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HEARINGS REGARDING COMMUNIST ESPIONAGE IN THE UNITED STATES GOVERNMENT—PART TWO

HEARINGS BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES EIGHTIETH CONGRESS SECOND SESSION

Public Law 601
(Section 121, Subsection Q (2))

DECEMBER 7, 8, 9, 10, AND 14, 1948

Printed for the use of the Committee on Un-American Activities



3846
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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1948

U. S. SUPERINTENDENT OF DOCUMENTS

JAN 11 1949

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HEARINGS REGARDING COMMUNIST ESPIONAGE IN THE UNITED STATES GOVERNMENT—PART TWO

TUESDAY, DECEMBER 7, 1948

UNITED STATES HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

The subcommittee met, pursuant to notice, at 2 p. m., in the Caucus Room, Old House Office Building, Hon. Karl E. Mundt (acting chairman) presiding.

Committee members present: Representatives Karl E. Mundt (acting chairman), John McDowell, Richard M. Nixon, Richard B. Vail, John E. Rankin, and F. Edward Hébert.

Staff members present: Robert E. Stripling, chief investigator; William A. Wheeler, investigator; and A. S. Poore, editor.

Mr. MUNDT. The committee will please come to order.

We have present this afternoon Mr. McDowell, Mr. Nixon, Mr. Vail, Mr. Rankin, Mr. Hébert, and Mr. Mundt, as acting chairman.

These hearings are a resumption of the hearings which started on August 3, continued until September 9, and follow the publication of an interim report, what came to be called generally in the newspapers as the Hiss-Chambers situation.

The calling of the hearing at this particular time was necessitated by the rather startling development and disclosures of December 2, and the finding of some missing files and documents from the State Department which were located in an entirely unofficial and unwarranted location. [Laughter.]

The purpose of the hearing is to determine who took those secret documents from the State Department and delivered them to Mr. Chambers.

Secondly, we want to determine how many of these documents, if any, or if all, reached Russian agents themselves.

Third, we want to determine whether or not this espionage ring which ferreted these important documents from the State Department into the hands of the man who at the time is a self-confessed member of the Communist espionage ring, we wish to determine whether that espionage ring is still operating in Government in Washington.

And, in the fourth place, we desire to determine the importance to the enemy and the unwarranted sources of the material which was taken from the State Department without authority and justification.

We had expected to have Mr. Whittaker Chambers here as our first witness this afternoon, but due to the fact that the grand jury has been reconvened in New York City for the purpose of considering the evidence discovered by our committee investigators, and since

they have subpoenaed Mr. Whittaker Chambers, together with an investigator from our committee, and copies of some of the documents obtained by our investigators, we shall not have Mr. Whittaker Chambers testify this afternoon.

Instead we shall direct our attention primarily to the fourth point which I mentioned, determining the importance to our national security of these documents which were located on the Maryland farm.

For that purpose the Chair is going to call as the first witness, the chief investigator of the committee, Mr. Robert E. Stripling, and ask him to take the stand, and be sworn at this time.

Mr. HÉBERT. Mr. Chairman.

Mr. MUNDT. Mr. Hébert.

Mr. HÉBERT. I make a motion we go into executive session.

Mr. MUNDT. Does anyone second the motion?

Mr. RANKIN. I second the motion.

Mr. MUNDT. Those in favor of going into executive session say "aye."

(Chorus of "ayes.")

Mr. MUNDT. Those opposed?

The "ayes" have it. We will go into executive session at this time.

(At this point, the committee retired into executive session—the proceedings in executive session not being reported—resuming in open session at 3 p. m. as follows:)

Mr. MUNDT. The committee will come to order.

Perhaps the Chair should explain to the guest, the press and the committee, why we went into an executive session and out again so rapidly. It was simply because we have assembled here today from the various home districts in which we live without any opportunity to consult with each other. Mr. Hébert felt, and I think his idea was sound, that we should try to get together and discuss among ourselves the policy and the program of the committee before opening the hearings. That we have done, and we are now in unanimous agreement that we shall proceed in accordance with the outline made by the chairman at the opening of the meeting.

The Chair will call Mr. Stripling as the first witness.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. STRIPLING. I do.

TESTIMONY OF ROBERT E. STRIPLING

Mr. MUNDT. You may proceed, Mr. Stripling.

Mr. RANKIN. I want to say, Mr. Chairman, that that vote a little while ago was the first thing the Democrats have won since November the 2d.

Mr. MUNDT. That is because the Republicans didn't vote, just like in November.

Mr. STRIPLING. Mr. Chairman, pursuant to the committee's instructions to continue and to conclude, if possible, the investigation of the alleged Communist apparatus which operated within the Government from 1934 to 1938, the staff of the committee, since the conclusion of

the last public hearing on September 9, has been continuing its investigation of the entire matter of the Hiss-Chambers controversy.

On December 2 of this year, I served a subpoena upon Whittaker Chambers, calling upon him to produce all documents in his possession relating to Alger Hiss, John Abt, Lee Pressman, Harold Ware, Alexander Stephens, Victor Perlo, Elizabeth T. Bentley, Harry Dexter White, George Silverman, Irving Kaplan, Nathan Witt, Henry Collins, Pricilla Hiss, Donald Hiss, and all other material in documentary form which has to do with the investigation of espionage in the Federal Government.

Pursuant to this subpoena, Mr. Chambers produced certain microfilms, which we now have in the committee's possession. I should like first to have these microfilms identified, and I ask that Mr. William Wheeler, investigator, take the stand.

Mr. MUNDT. Mr. Wheeler, do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WHEELER. I do.

Mr. MUNDT. Take the stand.

TESTIMONY OF WILLIAM WHEELER

Mr. STRIPLING. Mr. Wheeler, would you state your full name and present address?

Mr. WHEELER. William A. Wheeler, Washington, D. C.

Mr. STRIPLING. You are an investigator for the Committee on Un-American Activities?

Mr. WHEELER. Yes, sir.

Mr. STRIPLING. How long have you been an investigator?

Mr. WHEELER. Approximately 18 months.

Mr. STRIPLING. Where were you employed prior to your service with the Committee on Un-American Activities?

Mr. WHEELER. With the United States Secret Service, Treasury Department.

Mr. STRIPLING. And how long were you employed by the Secret Service?

Mr. WHEELER. Well, from 1943 until July 31, 1947. However, I was in the Army for a period of 22 months.

Mr. STRIPLING. While you were in the Army, were you assigned to any investigative unit?

Mr. WHEELER. Yes, sir; I was in the criminal investigation division as an agent.

Mr. STRIPLING. Under the Provost Marshal's office?

Mr. WHEELER. That is correct.

Mr. STRIPLING. Mr. Wheeler, on December 2, 1948, did I call you to my office, 225 Old House Office Building?

Mr. WHEELER. Yes, sir.

Mr. STRIPLING. Were you present when Mr. Donald T. Appell, an investigator for the committee, was also present?

Mr. WHEELER. Yes, sir.

Mr. STRIPLING. And at that time did I instruct you and Mr. Appell to accompany Mr. Whittaker Chambers to his home at Westminster, Md., to receive certain documents and information which were called for in the subpoena which had been served upon him?

Mr. WHEELER. That is correct.

Mr. STRIPLING. Did you accompany Mr. Chambers to Westminster?

Mr. WHEELER. Yes, sir.

Mr. STRIPLING. Did Mr. Donald T. Appell accompany you?

Mr. WHEELER. Yes, sir.

Mr. STRIPLING. What time did you arrive at Westminster, or at the farm of Mr. Chambers?

Mr. WHEELER. Approximately 10:45 p. m.

Mr. STRIPLING. Did he at that time produce any records or material in response to the subpoena?

Mr. WHEELER. Yes, sir.

Mr. STRIPLING. Would you describe to the committee what he produced?

Mr. WHEELER. He produced three aluminum containers that later proved to have film in them; he produced two rolls of developed 35-millimeter film.

Mr. STRIPLING. Where was this material taken from?

Mr. WHEELER. It was taken from a pumpkin.

Mr. STRIPLING. Would you describe to the committee the circumstances under which Mr. Chambers produced this microfilm?

Mr. WHEELER. We went into Mr. Chambers' house, and he was looking for a flashlight; he could not find one, and he turned on the yard lights. We then went out into this field, and he picked up several pumpkins and put them back down; then he picked one up and said, "Here is what you are looking for." He pulled the top off of it, and handed it to me; I reached in and pulled out the material.

Mr. STRIPLING. Was the material which he handed to you, or which you reached in and pulled out, the containers which I now hand you, and which have been identified?

I now hand you a container which shall be known as exhibit 1, ask you to examine it and tell the committee whether or not it is the container which you obtained from Mr. Chambers.

Mr. WHEELER. This is the container. It has my initial on it, the date 12-2-48; the top has a cross mark which I placed on it.

Mr. STRIPLING. You placed that upon it?

Mr. WHEELER. It had tape on it when we originally got it.

Mr. STRIPLING. Was this particular film undeveloped at the time you obtained it?

Mr. WHEELER. Well, Mr. Appell—

Mr. STRIPLING. Yes, but I mean the film had not been developed?

Mr. WHEELER. That is correct.

Mr. STRIPLING. I show you another container, and ask you if you can identify it. It shall be known as exhibit 2.

Mr. WHEELER. Yes, sir; it has my initial on it; also the date 12-2-48. The top has an "X" which I placed on it.

Mr. STRIPLING. I show you another container which shall be marked as exhibit 3, and ask you to identify it.

Mr. WHEELER. Yes, sir; it has my initial on it; the date 12-2-48. The top is marked. It is the same container.

Mr. STRIPLING. In addition, was there also other film which was not in containers?

Mr. WHEELER. Yes, sir. Also in the material was a small package wrapped in waxed paper with a rubber band around it.

Mr. STRIPLING. Is this the material which you obtained in the waxed paper?

Mr. WHEELER. Yes, sir; it has my initial and the date 12-2-48. I identify it as the material.

Mr. STRIPLING. Now, after this material was obtained from Mr. Chambers, did you and Mr. Appell then proceed to Washington?

Mr. WHEELER. Yes, sir. We proceeded to Westminster, where we stopped and identified all the material with the identifying marks.

Mr. STRIPLING. Where did you identify the material?

Mr. WHEELER. It was the American Cafe in Westminster.

Mr. STRIPLING. You stopped there at approximately what time?

Mr. WHEELER. I would say about 5 minutes after 11.

Mr. STRIPLING. Then you and Mr. Appell proceeded to Washington?

Mr. WHEELER. Yes, sir.

Mr. MUNDT. P. m., or a. m., the 5 after 11?

Mr. WHEELER. P. m., sir.

Mr. STRIPLING. When you arrived in Washington, who kept possession of the film?

Mr. WHEELER. Mr. Appell.

Mr. STRIPLING. Now, Mr. Chairman, on the morning of December 3, Mr. Appell and Mr. Wheeler reported to the office at about 9:15. We opened the film which had been developed, and it was apparent from an examination of it that it contained pictures of documents which appeared to be from a department of the Government. I then detailed Mr. Wheeler to take this particular film which had been developed to a photographic technician, which he did, and the following documents or prints were made from the microfilm or film which was obtained from Mr. Chambers.

I would like for Mr. Wheeler to identify these documents as prints which were made in his presence. I am going to ask that he examine each document himself without any further identification at this time. He was present when each document was printed from the microfilm.

Mr. WHEELER. Each document has my initials on the back and the date, Mr. Chairman.

Mr. MUNDT. Very well. You will examine these series and find out if they are all ones you have seen.

Mr. STRIPLING. Mr. Wheeler, is it correct that each one of those documents are numbered in consecutive order? When the picture was made, a number was placed in the corner?

Mr. WHEELER. No; this number was on the microfilm.

Mr. STRIPLING. It was on the microfilm?

Mr. WHEELER. Yes, sir.

Mr. STRIPLING. While Mr. Wheeler is examining these documents, Mr. Chairman, I would state what was done with these undeveloped film.

Mr. Appell, who, if he were here, would take the witness stand, but who is before the grand jury in New York, was instructed to take the undeveloped film to the Veterans' Administration laboratory where it was developed. Some of it, apparently due to age, didn't print very clearly. These particular prints are still in the process of develop-

ment, I might say, and we expect to have various technicians in the Government work further upon them in an effort to bring them out.

Mr. HÉBERT. Mr. Stripling, may I ask you a question there?

Mr. STRIPLING. Yes, sir.

Mr. HÉBERT. How did Mr. Wheeler know it was not a developed film?

Mr. STRIPLING. You describe that, Mr. Wheeler.

Mr. WHEELER. This particular film here that was in the aluminum cylinders, Mr. Chambers told us it was undeveloped, and to take care of it. We didn't open it and the following day, December 3, Mr. Appell took these cylinders over to the Veterans' Administration where they were developed.

Mr. HÉBERT. Well, the undeveloped film was in the aluminum cylinder, and the others were in what?

Mr. WHEELER. They were wrapped in waxed paper.

Mr. HÉBERT. The others were wrapped in waxed paper?

Mr. WHEELER. The developed.

Mr. HÉBERT. And the ones that were undeveloped were in an aluminum cylinder?

Mr. WHEELER. That is right.

Mr. HÉBERT. Which you knew ahead of time were not developed?

Mr. WHEELER. That is right.

Mr. STRIPLING. And at the Veterans' Administration they reported back some of it was not discernible because of age?

Mr. WHEELER. That is correct.

Mr. HÉBERT. There would be no doubt it is old film, that is what I want to establish.

Mr. WHEELER. It has been established, I believe.

Mr. HÉBERT. Can you tell me this: Can it be established by the marking on the film what year those films were printed?

Mr. STRIPLING. Yes, sir. I will ask, Mr. Chairman, to call another witness at this point.

Mr. HÉBERT. To establish that?

Mr. STRIPLING. To establish that on a particular film. We have not been able to ascertain it all, but the principal film which we are concerned with here can be identified.

Mr. RANKIN. Let him finish identifying those copies there, first.

Mr. WHEELER. I can identify all those documents as coming from the developed film, this group here.

Now, Mr. Stripling, do you wish me to go into the other group?

Mr. STRIPLING. After Mr. Appell had the film developed at the Veterans' Administration, Mr. Chairman, I instructed him to proceed to the laboratory where Mr. Wheeler and the laboratory technician were working on the printing of the films which had already been developed. Mr. Appell took the film there and Mr. Wheeler was present while an effort was made to bring these prints out.

As you can see, some of them are fairly legible; others are almost blank.

But you were present, were you not, Mr. Wheeler, when this group of films was printed?

Mr. WHEELER. Yes, sir; I assisted in the printing of those films.

Mr. STRIPLING. Are there any further questions of Mr. Wheeler?

Mr. MUNDT. Mr. Wheeler, have you completed identifying all of the documents now?

Mr. WHEELER. I haven't identified this stack as yet, sir.

Mr. MUNDT. Perhaps you had better continue until you identify them all, because they will continue to play an important part in all these hearings.

Mr. McDOWELL. Many of them are perfectly legible, however?

Mr. STRIPLING. Oh, yes.

Mr. Wheeler, you have your initials on the back of each one of these prints, is that correct?

Mr. WHEELER. That is correct, my initials and the date, 12-3-48.

Mr. STRIPLING. You submitted an exact copy of these documents to the grand jury yesterday; is that correct?

Mr. WHEELER. Yes, sir.

Mr. STRIPLING. In New York City?

Mr. WHEELER. Yes, sir.

Mr. Chairman, I identify this group of documents as the group of documents I assisted in the printing of. The films from which the documents were printed were given to me by Mr. Appell.

Mr. STRIPLING. That is all, Mr. Chairman, unless there are further questions.

Mr. MUNDT. Any questions of Mr. Wheeler from the committee?

(No response.)

Mr. MUNDT. Thank you, Mr. Wheeler.

Mr. Stripling, will you call the next witness?

Mr. STRIPLING. Yes; I would like to call Mr. Lewis.

Mr. MUNDT. Mr. Lewis, do you solemnly swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEWIS. I do.

Mr. MUNDT. Just be seated, please.

TESTIMONY OF KEITH B. LEWIS

Mr. STRIPLING. Mr. Lewis, would you please state your full name?

Mr. LEWIS. Keith B. Lewis.

Mr. STRIPLING. What is your present address?

Mr. LEWIS. 2009 Peabody Street, Hyattsville, Md.

Mr. STRIPLING. And what is your occupation?

Mr. LEWIS. I am manager of the Washington office for Eastman Kodak Co.

Mr. STRIPLING. How long have you been manager?

Mr. LEWIS. Since July of 1944.

Mr. STRIPLING. Mr. Lewis, did you receive a telephone request yesterday to come to the office of Representative Nixon?

Mr. LEWIS. I did; yes, sir.

Mr. STRIPLING. When you arrived, were you handed a roll of film which was manufactured by the Eastman Co.?

Mr. LEWIS. Yes, sir.

Mr. STRIPLING. I show you this roll of film and ask you if it is the one that was exhibited to you yesterday?

Mr. LEWIS. That's right, Mr. Stripling. This is the film that you gave to me yesterday.

Mr. STRIPLING. At our request, did you communicate with your headquarters to determine the year in which this film was made?

Mr. LEWIS. Yes, sir.

Mr. STRIPLING. And what year was this film made?

Mr. LEWIS. This film was manufactured by Eastman Kodak Co. in 1937.

Mr. STRIPLING. That is all, Mr. Chairman.

Thank you.

Mr. MUNDT. You may call the next witness.

Mr. STRIPLING. The next witness, Mr. Chairman, is Mr. Sumner Welles.

Mr. MUNDT. Mr. Welles, do you solemnly swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WELLES. I do.

Mr. MUNDT. You may be seated.

TESTIMONY OF SUMNER WELLES

Mr. MUNDT. Will you tell the committee, Mr. Welles, the period of time in which you served as Under Secretary of State?

Mr. WELLES. From May 1937 until September 1943.

Mr. MUNDT. Our reason for calling you as a witness, Mr. Welles, is because it was during the period when you were Under Secretary of State that many of these documents which are exhibits were dated and during which they were presumably taken from the State Department. It is an established policy of the House Committee on Un-American Activities that whenever possible, and in the public interest, public business shall be conducted publicly. We have adopted the policy, therefore, of taking the public into our confidence whenever that can be done in hearings of this type, without injury to anybody's individual character, or without injury to the public interest.

We are confronted today with this array of documents, many of them secret in nature, taken from the State Department.

We have asked you to come before us primarily to seek your counsel, in the first place because you were Under Secretary of State, and in the second place, because you are now a private citizen and can give an objective opinion, since you are no longer connected with the Department of State, as to whether or not the information contained in these documents is of such a nature and is of such vital concern to our national security, or high diplomatic purposes that it would be against the public interest to have them put in the public record.

For that reason, so that you can counsel us wisely, I have asked the chief investigator to show you a few of these documents, to identify them sufficiently for the record without disclosing their contents, and then ask you to take your time and read them—some of which have been shown you previously—then to tell the committee whether or not in your opinion it would be in the public interest to put these in the records where the public can have access to them.

Mr. HÉBERT. Mr. Chairman, may I say by "in the public interest" you mean the national security?

Mr. MUNDT. The national security. It is not the purpose of this committee, I might add, to take out of the record documents which would simply prove embarrassing to people perhaps because they were in the record, but if the material taken from those microfilms is of vital significance to our national security, or if its publication might

prove injurious to our diplomatic policies, this committee on its own, then, certainly has no desire to disclose the contents of those documents.

So we would like to have your evaluation on that basis, whether it is of such significance that its publication might prove injurious to the national security interests of America.

Mr. STRIPLING. Mr. Chairman, for purposes of identifying the documents, I would like to ask Mr. Welles if the reading aloud into the record of the material down to here would in any wise violate any code or restriction of the parties?

Mr. WELLES. No, in no way at all, Mr. Stripling.

Mr. STRIPLING. This document, Mr. Chairman, which contains the number 53 in the corner, and taken from the microfilm which has just been identified by Mr. Lewis, states as follows; it has a stamp in the right-hand corner which says, "Assistant Secretary of State, January 14, 1938:

"Mr. Sayre"—that is a part of the stamp. It is dated "Paris, January 13, 1938; received, 3: 15 p. m."; the letters "E. D. A." "This telegram must be closely paraphrased before being communicated to anyone," and then in parentheses "(D). Secretary of State, Washington 63, January 13, 6 p. m., section 1, strictly confidential, for the Secretary."

I shall now ask Mr. Welles if he will read this document carefully and tell the committee whether or not the national security would be violated in his opinion, by the reading of this document into the public record.

Mr. WELLES. Mr. Chairman, after reading this message, it is my conviction that without regard to the interests of any individual, or any other interest, the publication at this time of this message would be prejudicial to the Nation's interests.

Mr. RANKIN. Is that one of the documents that was just identified a while ago by Mr. Wheeler?

Mr. STRIPLING. It is, sir.

Mr. MUNDT. Thank you, Mr. Welles. It is not going to be the purpose of the committee, I might say, to press you for your reasons, because quite understandably your reasons might be just as prejudicial to the interests of the Nation as the document itself.

Mr. WELLES. That might be the difficulty.

Mr. STRIPLING. Mr. Welles, I would like to ask you if in 1938 a document was marked "Strictly confidential, for the Secretary," whether or not it would be classified as a "top secret" document?

Mr. WELLES. Decidedly so, Mr. Stripling.

Mr. STRIPLING. I show the witness a document dated January 14, 1938, Paris, received 3:35 p. m.; which also contains a stamp in the right-hand corner, "Assistant Secretary of State, January 14, 1938, Mr. Sayre." It contains the number 5 in the corner, Mr. Chairman. However, from examining the continuity of these documents, I believe that it should be 55, or that only one-half of the 5 shows. It states, "E. D. A. This telegram must be closely paraphrased before being communicated to anyone," and then in parentheses "(D), Secretary of State, Washington 63, January 13 16, 6 p. m., section 2."

I ask you, Mr. Welles, if you will read this document and tell the committee whether in your opinion the national security will be violated in any way by its publication.

Mr. WELLES. Mr. Chairman, this, of course, is the second section of the same cable, of which the first section has already been passed up to the committee. Except for the fact that it is the second section of a cable of which the first section, in my judgment should not be published, the second section, taken by itself, contains nothing, in my opinion, which would be detrimental to the national interests, were it to be published.

Mr. MUNDT. Thank you.

Mr. STRIPLING. Mr. Chairman, the committee has issued a subpoena on Mr. Robert Cleveland, who is the attorney for Whittaker Chambers, calling for him to produce certain records which were submitted at a pretrial examination in Baltimore during the month of November. During this pretrial examination, Mr. Whittaker Chambers, while giving a deposition, submitted a number of documents which he alleges under oath were given to him by a person employed in the State Department.

One of these documents, which has been turned over to the committee in response to the subpoena served on Mr. Cleveland, is dated February 15, 1938, 4 p. m. It says: "Telegram sent Amlegation, Vienna."

I will ask you, Mr. Welles, to examine this document and tell the committee whether the public interest would be violated, or the national interest and security would be violated by the publication of that document.

Mr. WELLES. Mr. Chairman, I believe that this document also if published now would be prejudicial to the Nation's interests.

Mr. MUNDT. Thank you.

Mr. STRIPLING. Mr. Welles, were any of these messages which I have shown you, would they be sent in code? Is there anything to indicate that they were sent in code originally?

Mr. WELLES. All of these messages, Mr. Stripling, originally were sent in code and undoubtedly those marked "strictly confidential" or "strictly confidential, for the Secretary," would presumably be sent in one of the most secret codes then in our possession.

Mr. STRIPLING. Would the possession of the document as translated, along with the original document as it appeared in code, furnish an individual with the necessary information to break the code?

Mr. WELLES. In my judgment, decidedly yes.

Mr. MUNDT. Mr. Stripling, it would occur to me that inasmuch as these documents are quite apparently of such significance that the contents cannot be disclosed at a public hearing of this nature without certainly examining each one in detail, that we should not take the time to do that at this hearing today; that Mr. Welles has served his purpose as a witness at a public hearing, and at an executive session we could go into this matter in further detail, for the purpose of helping to sort out the evidence to make sure that nothing of vital danger to our national security is made public. Unless you want to take up these documents with him separately, this would serve to show the committee that we obviously cannot make this material public at this time.

Mr. STRIPLING. The next document I would like to show the witness, Mr. Chairman, is a memorandum which is 16 pages long. If you would like for Mr. Welles to examine it in executive session, that is up to the committee.

Mr. MUNDT. I think you might as well do it in executive session. That is a pretty long document to read, and we have before us, at least the definite conviction of Mr. Welles that the material secured in these microfilms is of such a nature that if published it would prove highly prejudicial to the security interests of the Nation, and I see no reason why he should read each document at this time for that purpose. I think Mr. Welles can remain with us for a while in executive session afterward, and we can pursue that at that time.

Mr. STRIPLING. Mr. Welles, while you are on the stand, I would like to ask if you recall the position of Mr. Francis B. Sayre in the Department of State during the period 1938?

Mr. WELLES. He was Assistant Secretary of State at that time, Mr. Stripling.

Mr. STRIPLING. I have here the register of the Department of State for 1938, and it says:

Charged with economic, financial, tariff, and general trade questions of such other duties as may be assigned to him by the Secretary of State; Francis B. Sayre, Assistant Secretary of State; Alger Hiss, assistant to the Assistant Secretary; Eunice A. Lincoln, private secretary; Anna Belle Newcomb, clerk; Robert T. Greenfield, messenger.

Do you know when Mr. Sayre left the Department of State?

Mr. WELLES. I am afraid I cannot remember the exact date. That of course is a matter of record.

Mr. STRIPLING. Mr. Chairman, in having Mr. Welles examine these documents in executive session, I should like very much, if possible, for him to tell the committee the various departments of the State Department that they emanated from, or the proper channels that they would ordinarily flow through.

Mr. MUNDT. I am sure Mr. Welles would be willing to cooperate.

Mr. WELLES. In every possible way, Mr. Chairman. May I make one concluding remark at this stage?

Mr. MUNDT. Yes, sir.

Mr. WELLES. I feel, of course, as you indicated in your statement a few minutes ago, Mr. Chairman, that in determining what is prejudicial at this moment to the Nation's security by the publication of documents of this character, the responsibility should clearly be borne by the present high officials of the Department of State. For many years, 5 years, I have been unfamiliar with the official inner workings of the conduct of our foreign relations, and there may be certain reasons which in the Department the present judgment would render the publication of documents, which to me would seem safe, undesirable, or vice versa. I merely want to make that as a reservation to the opinion I have offered.

Mr. RANKIN. Mr. Chairman; I understand that Mr. Peurifoy, Assistant Secretary of State, is present, and I wonder if it would be in order to submit some of these statements to him and get his reaction before we go into executive session.

Mr. MUNDT. He is the next witness.

Mr. HÉBERT. May I ask some questions?

Mr. MUNDT. Mr. Hébert.

Mr. HÉBERT. Mr. Welles, I understand your position as enunciated at the moment. May I ask you this: Were you the Under Secretary of State at the time these documents were received in the State Department?

Mr. WELLES. That is correct, sir.

Mr. HÉBERT. And at that time, would their release to the public, or their release to unauthorized hands be prejudicial to the best interests of the Nation?

Mr. WELLES. In the highest degree prejudicial, and in the highest degree dangerous to the Nation's interests.

Mr. HÉBERT. And you, as Under Secretary of State at that time, had you known that there was a leak in the Department, you would immediately have brought the proper action to bring the guilty parties to their proper disposition?

Mr. WELLES. Decidedly so.

Mr. STRIPLING. Mr. Welles, while you were Under Secretary of State, was it ever necessary that you were called to dismiss or discipline anyone in the Department of State for violating the restrictions of the Department?

Mr. WELLES. It is my understanding that at the time I was Under Secretary certain actions taken by the Assistant Secretary then in charge of administration, with regard to improving the security of the code rooms and the code employees in the Department of State—I am afraid I cannot remember, Mr. Stripling, since it did not come directly within my jurisdiction, exactly what action was taken. To the best of my recollection certain employees were dismissed and others transferred.

Mr. STRIPLING. Some were dismissed and others transferred?

Mr. WELLES. Yes, sir.

Mr. STRIPLING. Those are all the questions I have.

Mr. MUNDT. Mr. McDowell, do you have a question?

Mr. McDOWELL. No questions.

Mr. MUNDT. Mr. Nixon?

Mr. NIXON. Mr. Welles, in the case of a "strictly confidential for the Secretary" type of document, as I understand one of these documents was, at the time you were in the Department of State would such a document be kept in what you might term a certain type of file for safe-keeping, and only one or more copies made? I wonder if you could enlighten us on that point.

Mr. WELLES. The distribution would have been extremely restricted, and as soon as the documents had been distributed to certain officials and read by those officials, they were supposed to be collected and taken to a section of the archives in the Department of State that was reserved for "strictly confidential" information.

The exact distribution of documents of that highly confidential character was determined by the then Secretary of State, and the orders were issued from his office to the code rooms as to the distribution to be made.

Mr. NIXON. Certainly such a document could not, with any authorization, be removed from the Department for the purpose of placing it on microfilm?

Mr. WELLES. Under no consideration whatever, and no documents even of a nonconfidential character, under the regulations then obtaining in the Department, could ever be removed for any purpose from the Department.

Mr. NIXON. It is my understanding following the question Mr. Hébert asked, that you have indicated not only were the two documents you have examined—not only would it have been prejudicial to the national interest to have released them then to an unauthorized

person, but now, 10 years later, it would still be prejudicial to the national interest to release those documents?

Mr. WELLES. In my judgment that is entirely correct, sir.

Mr. MUNDT. Mr. Vail, any questions?

Mr. VAIL. Was the accessibility of these documents limited, Mr. Welles, to certain people?

Mr. WELLES. As I said before, sir, they were distributed in very restricted form by order from the office of the Secretary of State. The official to whom they were supposed to go was held responsible for maintaining their confidential nature, and in general terms I can say that documents of the kind I have seen would have been extremely limited in their distribution and should have been regarded as in the highest degree confidential, and to be kept under lock and key until they were turned over to the proper custody of the Archives Division.

Mr. VAIL. But then the people to whom these documents were available would be identified at this time?

Mr. WELLES. It would seem so to me.

Mr. VAIL. That is all.

Mr. MUNDT. Mr. Welles, who could establish the identity of the people to whom these documents would have been made available?

Mr. WELLES. I believe that Mr. Peurifoy will probably be able to tell you more about that than I, Mr. Chairman. I assume the records have been kept as to the distribution that was authorized at that time.

Mr. MUNDT. Thank you, very much. We appreciate your cooperation and if you will stand by, we will have an executive session after this hearing.

Mr. WELLES. Thank you, Mr. Chairman.

Mr. MUNDT. The Chair would like to call Mr. John Peurifoy, the Assistant Secretary of State.

Mr. Peurifoy, do you solemnly swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PEURIFOY. I do, sir.

TESTIMONY OF JOHN PEURIFOY

Mr. MUNDT. Mr. Peurifoy, I believe your title is Assistant Secretary of State in charge of security, at least that describes the purview of your authority; is that correct?

Mr. PEURIFOY. In charge of administration, sir, which includes security.

Mr. MUNDT. And you have held that position since what time?

Mr. PEURIFOY. I was appointed on an acting basis January 21, 1947, confirmed by the Senate March 15, 1947.

Mr. MUNDT. You have been in the room, have you not, and have heard all of the testimony given by Mr. Sumner Welles?

Mr. PEURIFOY. Yes, sir.

Mr. MUNDT. And you heard my preliminary statement prior to calling him to the stand?

Mr. PEURIFOY. Yes, sir.

Mr. MUNDT. So that it is unnecessary to repeat the attitude of the committee which is to make available to the public portions of these

documents if they are not prejudicial to the national security, or to the high diplomatic purposes of the Government, but to take every conceivable step to safeguard the national security, even at this late hour, by not publishing documents which Mr. Welles or which the State Department feels would peril the national security.

Mr. PEURIFOY. I have not seen the documents.

Mr. MUNDT. No; but you understand our objective view?

Mr. Stripling will now show you the documents which he showed to Mr. Welles and ask you some questions concerning them.

Mr. PEURIFOY. Yes, sir.

Mr. STRIPLING. Mr. Chairman, I will show him the same three documents, ask that he read them all three carefully, and then we will take them up in the order in which Mr. Welles considered them.

Proceeding in order, Mr. Chairman, the first document which the witness has examined is the document dated January 13, 1938, marked "Strictly Confidential for the Secretary," section 1, and signed "Bullitt."

Do you consider, Mr. Peurifoy, that the publication in the record of this document would jeopardize the national security in any way?

Mr. PEURIFOY. I do, sir, for the same reason that Mr. Welles outlined. Section 2 of that telegram taken by itself I think would be all right, but because of the information in the first section I think that would not be in the national interest.

Mr. MUNDT. Thank you. Proceed, Mr. Stripling.

Mr. STRIPLING. The third document is dated February 15, 1938. It has previously been identified and is signed "Hull." I will ask you your opinion of that document.

Mr. MUNDT. The Chair would like to ask the photographers to be careful not to photograph the text of any of these documents.

Mr. PEURIFOY. I do not believe, Mr. Chairman, that the third document should be made available to the public in the national interest.

Mr. MUNDT. You do not believe it should be?

Mr. PEURIFOY. No, sir.

Mr. MUNDT. Mr. Stripling, have you shown Mr. Puerifoy all three of the documents?

Mr. STRIPLING. Yes, sir.

Mr. MUNDT. The Chair would like to ask Mr. Puerifoy, having heard the testimony of Mr. Welles, if you think perhaps you could help the committee identify the names of the people in the State Department to whom these documents would have been available back in 1938, whether you can supply us with that information.

Mr. PEURIFOY. I am not sure, Mr. Chairman, that those distribution lists would be still in the Department. That is something I would have to check. On the original there probably is printed a distribution of where these documents went. I am not sure whether this is a copy or whether it is the actual original copy. That would show the actual distribution and I think it would be the best source to check that from. We could, however, go into it.

Mr. MUNDT. In your position in the State Department you could check and determine whether such a list was available; could you not?

Mr. PEURIFOY. Yes, sir.

Mr. MUNDT. Would you be willing to do that, and if you find it, would you give us the names of the people who did receive such documents?

Mr. PUERIFOY. Yes, sir.

Mr. MUNDT. Thank you very much.

Mr. Rankin, have you any questions?

Mr. RANKIN. I have a question of Mr. Stripling.

I wanted to ask Mr. Stripling how many more of these documents he has.

Mr. STRIPLING. I haven't counted them, Mr. Rankin. I would say there would probably be—well, all of these documents did not come from the State Department, Mr. Rankin.

Mr. RANKIN. I know, but how many of these secret documents have you?

Mr. STRIPLING. Mr. Wheeler says there are approximately 200 pages, which have been developed.

Mr. MUNDT. Mr. Hébert.

Mr. HÉBERT. Mr. Peurifoy, in your position in charge of security for the State Department, would you say that documents in the number of 200 pages removed from the Department would prima facie indicate that they had been taken for a purpose detrimental to the United States Government?

Mr. PEURIFOY. I would so.

Mr. HÉBERT. And anybody taking them could not be perchance, or by accident; it would have to be some systematic removal of these documents from the files for a purpose not in the interests of the United States Government?

Mr. PEURIFOY. I would agree with that, sir.

Mr. RANKIN. Mr. Peurifoy, could you imagine anybody taking those records from the State Department who didn't do it with some ulterior and unpatriotic motive?

Mr. PEURIFOY. Well, actually, sir, under the regulations, the security regulations of the Department of State, no one is supposed to take documents like that out, even for their own use at home at night to study. They are supposed to remain in the Department.

Mr. NIXON. May I follow that, Mr. Peurifoy?

Mr. PEURIFOY. Yes, sir.

Mr. NIXON. I understand that where a document is classified, at least where it is classified to the extent of "Strictly Confidential" or "Strictly Confidential for the Secretary," that the document is not supposed to be removed from the Department to the person's home?

Mr. PEURIFOY. That is right, sir.

Mr. NIXON. And if a document of such a nature were removed to a person's home, and there copied or there digested by that person, that in itself would be a breach of the State Department's rules?

Mr. PEURIFOY. It would, sir.

Mr. MUNDT. Mr. McDowell.

Mr. McDOWELL. No; no further questions.

Mr. MUNDT. Mr. Vail?

Mr. VAIL. No questions.

Mr. HÉBERT. May I ask another?

Mr. MUNDT. Mr. Hébert.

Mr. HÉBERT. Mr. Peurifoy, these documents were originally highly restricted and even to this date their publication would be against the

national security. Does it therefore follow that anybody having as of this date those documents in their possession has them in their possession illegally and in violation of the law?

Mr. PEURIFOY. Yes, sir.

Mr. HÉBERT. You are not referring to the committee. I presume. We have them legally. But any individual having those documents, even as of this date—in other words—let me make myself clear in language we can all possibly understand.

If I took one of those documents, as a member of the committee, and gave it to Joe Blow outside on the street, Joe Blow would then be subject to prosecution for having in his possession a document illegally, is that correct?

Mr. PEURIFOY. That is clear to me, sir. I am not a lawyer.

Mr. HÉBERT. I am not a lawyer, either; that is why I have to talk in layman's language.

Mr. RANKIN. I am a lawyer. If he illegally took them from the records he would violate the law by accepting them.

Mr. PEURIFOY. Well, I don't know whether Joe Blow would know this was an illegal document he was getting.

Mr. HÉBERT. Of course, I am assuming he would know it. In other words, I am trying to establish now for obvious reasons the fact that if anybody had in their possession these documents illegally, and knowingly having them in their possession illegally, is guilty, so that the law of proscription would run against them.

Mr. PEURIFOY. That would be my understanding.

Mr. RANKIN. Let me ask you another question. Suppose someone in the State Department should copy some of these documents, wouldn't that be a violation of the law?

Mr. PEURIFOY. And dispose of them outside the Department?

Mr. RANKIN. Yes.

Mr. PEURIFOY. Yes, sir.

Mr. RANKIN. Then would it be a violation of the law for him to copy it at any rate for his own personal use?

Mr. PEURIFOY. Well, he might make a paraphrase, dictate it to a stenographer, in order to pass it to another official in the Department, but if you mean taking a pencil and writing it out, I would say that would be a very unusual procedure.

Mr. RANKIN. You are certainly of the opinion that if he copied them for the purpose of distribution he violated the law?

Mr. PEURIFOY. Unless it were authorized by higher people; yes, sir.

Mr. STRIPLING. Mr. Chairman, since this point has come up, I would like for Mr. Peurifoy to read three other documents I have here, as I would like to get the status of the documents which were turned over by Mr. Chambers at the pretrial deposition.

Mr. MUNDT. Very well, you will identify the documents—give them to Mr. Peurifoy.

Mr. STRIPLING. I am going to ask that he read this without identification, Mr. Chairman, because this matter for the moment is highly confidential.

Mr. MUNDT. Mark it with some exhibit number, then, so that we can identify it in the record.

Mr. STRIPLING. Yes, sir.

These are three handwritten memoranda. We are aware of who wrote the memoranda from the handwriting. But I would like to determine whether or not it would be improper or unlawful to remove this type of memoranda from the State Department, which contains highly confidential State Department documents.

Mr. NIXON. Mr. Stripling, so the question will be clear, your question is whether or not it would have been unlawful to remove that type of memoranda in 1938 at the time the memoranda were written?

Mr. STRIPLING. That is right.

Mr. NIXON. It is not the question we had previously asked as to whether or not the disclosure of that information today would be prejudicial to the national interests?

Mr. PEURIFOY. That is correct.

Mr. MUNDT. Mr. Puerifoy, you have examined the documents. The committee would like to have your opinion of them.

Mr. PEURIFOY. Mr. Chairman, I would regard anyone making notes of what I have seen here, in personal handwriting, and taking them out of the Department of State, as violating certainly all the security regulations of the Department.

Mr. MUNDT. Would you also consider the publication of that material now prejudicial to the public interest, in the event they put a photostatic copy of it in the record, together with the identity of the man who wrote that memorandum?

Mr. PEURIFOY. I would rather not answer that quite as categorically as I did the first telegrams. I would rather say this: That this might prove embarrassing to us in our relations with another nation. I do not think it would prejudice our national interests, if you get the distinction.

Mr. MUNDT. It is not whether it proves embarrassing; it is the national security that is involved.

Mr. PEURIFOY. I don't think it would injure our national security, in other words, if this document were published.

Mr. MUNDT. Whereas it might interfere with our diplomatic negotiations?

Mr. PEURIFOY. Yes, sir.

Mr. NIXON. Your point is, then, that the release of these documents in your opinion would, to use a term that doesn't go as far, would possibly injure the United States? It could possibly, due to the fact that it would place us in a poorer bargaining position with another nation?

Mr. PEURIFOY. At this particular state of affairs in the world; yes, sir.

Mr. NIXON. If you, as a State Department official, were to make the decision as to whether or not the information contained in these documents just shown to you should be made public or not, your decision would be that it should not be made public?

Mr. PEURIFOY. That is correct, sir.

Mr. NIXON. If you had the decision to make?

Mr. PEURIFOY. That is correct, sir.

Mr. MUNDT. Mr. Hébert.

Mr. HÉBERT. Mr. Puerifoy, the documents you have just read and the photostatic copy of handwriting that you saw, would you say, in your judgment, that the individual who did make that memorandum

in his own handwriting would be doing so for some purpose other than his official activity as a member of the Department of State? Would there be any reason for an individual to make a memorandum such as you just looked at, in his own handwriting?

Mr. PEURIFOY. No, sir; not in my judgment.

Mr. HÉBERT. There wouldn't be?

Mr. PEURIFOY. No, sir.

Mr. HÉBERT. Then if an individual did, in your judgment, make such memorandum and in his own handwriting, you would have to assume he did it for some ulterior motive?

Mr. PEURIFOY. I think that is right, sir.

Mr. NIXON. Mr. Peurifoy, there is a point that I am interested in from a legal standpoint as regards the committee. I might say that along with Mr. Stripling, the chief investigator, we had a conversation with two representatives from the State Department a few days ago, in regard to the security problem involved in these documents. It was my understanding—and I cannot recall exactly the words of the conversation—but it was my understanding that there is a law at the present time which makes it illegal to place in a record, or to have in your possession, any document involving a confidential code.

Now, I do not know if that question is sufficiently clear for you to understand what I mean.

Mr. PEURIFOY. Yes, sir; I know.

Mr. NIXON. Would you enlighten the committee on that point?

Mr. PEURIFOY. I think you are referring to what is known as the Yardly Act.

Mr. NIXON. That is correct.

Mr. PEURIFOY. Which prohibits the transcribing of diplomatic notes into, say, the form of a letter, a note to a personal friend, or to copy it down and take it out of the Department. A person would be liable to a \$10,000 fine, and I think up to 10 years' imprisonment for doing such a thing.

Mr. NIXON. Now, to pursue that a step further, if a diplomatic note, as you term it, were transcribed into the records of a committee of Congress, would the people involved and the committee of Congress be technically guilty for violation of the law?

Mr. PEURIFOY. I am sorry, Mr. Nixon, I could not answer that question, because I do not know what the relations would be vis-à-vis the committee of Congress.

Mr. NIXON. Thank you.

Mr. MUNDT. Mr. Peurifoy, you were here when I suggested to Mr. Welles that in view of the highly secret and significant strategic nature of these documents we were not going to ask you to examine them all, but we would like to have you join Mr. Welles and the committee immediately after the hearing of these public hearings in executive session downstairs to consider these documents at greater length. You will be available for that?

Mr. PEURIFOY. Yes, Mr. Chairman.

Mr. MUNDT. I would like to express the appreciation of the committee to you, sir, in your cooperative attitude in bringing to the chairman, if possible, the identity of the people who had access to these particular documents, because that would be very helpful to the committee.

I might say we have been in contact with the FBI, and the committee is going to make available to the FBI a photostatic copy of all the documentary evidence that we have. The FBI has agreed to cooperate fully for the purpose of helping to reproduce, with its improved techniques and devices, some of these illegible documents that we now have, and we have agreed, sir, to provide you, as the security officer of the State Department, also a photostatic copy of all these documents in our possession.

Mr. PEURIFOY. I appreciate that very much, Mr. Chairman. We would like very much to have copies of all these documents, if we may.

Mr. MUNDT. We appreciate your cooperative attitude. The thing we are trying to do is to determine who took them out.

Mr. RANKIN. There can be no question about those documents being copied from the records of the State Department, can there? There is no question but they are copies of State Department records?

Mr. PEURIFOY. The documents I have seen, Mr. Rankin, I would say "Yes"; there is no question about it, the documents I have seen. I don't know about the others.

Mr. MUNDT. Thank you very much, Mr. Peurifoy, and I might say before we break up, it is a sad commentary, but it certainly stands axiomatically before us all when we find in the possession of Russian agents in this country material so secretive and so vital to our national defense that we cannot make it available to the American public.

That seems to be the situation we are now confronted with.

The meeting stands adjourned.

(Whereupon, at 4 p. m., the committee adjourned, to reconvene in executive session.)

HEARINGS REGARDING COMMUNIST ESPIONAGE IN THE UNITED STATES GOVERNMENT—PART TWO

WEDNESDAY, DECEMBER 8, 1948

UNITED STATES HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

The subcommittee met, pursuant to call, at 8 p. m., in the caucus room, Old House Office Building, Hon. Karl E. Mundt (acting chairman) presiding.

Committee members present: Representatives Karl E. Mundt (acting chairman), John McDowell, Richard M. Nixon, Richard B. Vail, John E. Rankin, and F. Edward Hébert.

Staff members present: Robert E. Stripling, chief investigator; Louis J. Russell and William A. Wheeler, investigators; Benjamin Mandel, director of research; and A. S. Poore, editor.

Mr. MUNDT. The subcommittee will come to order, please, with the record showing as present the chairman, Mr. McDowell, Mr. Nixon, Mr. Vail, Mr. Rankin, and Mr. Hébert.

Mr. Stripling, will you please call the witness for this evening?

Mr. STRIPLING. Mr. Isaac Don Levine.

Mr. MUNDT. Mr. Levine, will you raise your right hand and be sworn?

You promise to swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEVINE. I do.

Mr. MUNDT. Thank you. Will you be seated?

TESTIMONY OF ISAAC DON LEVINE

Mr. STRIPLING. Mr. Levine, will you please state your full name and present address?

Mr. LEVINE. Isaac Don Levine, Norwalk, Conn.

Mr. STRIPLING. Where were you born?

Mr. LEVINE. Russia.

Mr. STRIPLING. When?

Mr. LEVINE. February 1, 1892.

Mr. STRIPLING. What place in Russia?

Mr. LEVINE. A town by the name of Mozir.

Mr. STRIPLING. When did you come to the United States?

Mr. LEVINE. October 1911.

Mr. STRIPLING. When did you become a citizen of the United States?

Mr. LEVINE. In the spring of 1918.

Mr. STRIPLING. What is your occupation?

Mr. LEVINE. Writer and editor.

Mr. STRIPLING. Would you give the committee a brief résumé of your professional background?

Mr. LEVINE. I started as a free-lance writer for the *Kansas City Star*, 1914; was foreign-news editor of the *New York Tribune*, 1917; wrote my first book on the Russian revolution, published by Harper's and published abroad, in 1917; went to Russia as a correspondent for the *Chicago Daily News* and the *New York Globe* early in 1919; continued for several years partly as a correspondent for the Hearst newspapers; took a trip all over Russia in 1923, the first unofficial senatorial commission of inquiry, headed by Senator King and the late Senator Ladd. When I returned to the United States, I took up literary work; headed a book club called the Book League of America; continued to write books and collaborate on books dealing with the history of the Russian revolution.

This brought me in touch with a number of former Soviet employees, agents, and adherents like the former General Krivitsky; Jan Valtin, whose *Out of the Night* I had edited; more recently Kravchenko, whose first articles I collaborated on, and a number of others perhaps too long to enumerate.

Since then—that is, since October 1946—I have been editing an anti-Communist and anti-Fascist political review of strong liberal, true liberal tendencies, named *Plain Talk*.

Mr. STRIPLING. Mr. Levine, for several months the Committee on Un-American Activities has had under investigation the operations of the so-called Communist apparatus within the Government, from the period of 1934 through the early part of 1938. During this investigation we had before us an individual by the name of Whittaker Chambers. Do you know Whittaker Chambers?

Mr. HÉBERT. Mr. Chairman.

Mr. MUNDT. Mr. Hébert.

Mr. HÉBERT. Before Mr. Levine begins his testimony tonight, I understand, Mr. Levine, you requested to appear here in public hearing in order to give in public hearing the testimony which you gave in executive session previously; is that correct?

Mr. LEVINE. No, sir. I wanted to appear in order to amplify the testimony which I gave briefly in executive session.

Mr. HÉBERT. In other words, I understand your appearance here tonight is for the purpose of amplifying what previously is in the record?

Mr. LEVINE. Yes, sir; and to add facts.

Mr. HÉBERT. New facts which would be of interest to the committee?

Mr. LEVINE. And to the country; yes, sir.

Mr. HÉBERT. May I ask, before you begin to testify, do you intend to name any new names tonight that have not heretofore been projected into these hearings?

Mr. STRIPLING. Mr. Hébert, may I interrupt?

Have you read the proceedings before this committee on the particular matter under investigation?

Mr. LEVINE. Yes, sir; I have read the hearings, indeed. I have read the proceedings. I am familiar with the contents of the record.

Mr. STRIPLING. I am sure what you have in mind, Mr. Hébert, is that names beyond those which are not already in the public record.

Mr. MUNDT. May the Chair suggest, then, if you have read the hearings and know the names that have already been mentioned, that should in the course of your remarks you feel inclined to mention a name which has not previously appeared in the record, that before mentioning any such name you write it on a piece of paper and give it to the investigator, so he can submit it to the committee.

Mr. LEVINE. Yes, sir.

Mr. MUNDT. Because we are desirous not to bring into the picture any new names without first having an opportunity to study the situation.

Mr. LEVINE. Yes, sir.

Mr. HÉBERT. And in furtherance of that, Mr. Chairman, I would like to say this: I would like to know in which connection Mr. Levine intends to bring any new names in. The fact that he writes them on a piece of paper is not satisfactory to me. I want to know how he can connect those names up, and if he intends to bring any new names in, as I expressed myself before, I will immediately move for an executive session.

Mr. MUNDT. It is understood he is not going to bring any new names in until he writes them out.

Mr. HÉBERT. I know, not only bring any new names in, but associate unnamed individuals with the situation which he is about to describe.

Mr. LEVINE. That is right.

Mr. HÉBERT. That is understood?

Mr. LEVINE. That is perfectly understood.

Mr. HÉBERT. With that understanding, I have no objection to the public hearing.

Mr. LEVINE. Yes, sir.

Mr. STRIPLING. Mr. Hébert, the reason that we would like to get the testimony of Mr. Levine is that according to our investigation he was possibly the first—the first that we know of—the first person that Whittaker Chambers went to after he broke away from the Communist Party and the Communist apparatus. I think he is in possession of vital facts and information which should be in the record of these proceedings.

Mr. HÉBERT. I have no objection there, Mr. Stripling, to mentioning or elaborating on what we already know, but specifically I have in mind right now these two names which Mr. Whittaker Chambers named as individuals who handed him Department of State secrets, or other confidential data. I object to those two names being projected into a public hearing, until those individuals have been brought before the committee in a private hearing and we hear them.

Mr. RANKIN. Mr. Chairman.

Mr. MUNDT. Mr. Rankin.

Mr. RANKIN. I want to say in this connection that this is one of the most vital questions that has come before the Congress in the last quarter of a century. Undoubtedly there are other people involved, and it is the duty of this committee to find out who those people are, and to bring them to justice. So far as I am concerned, I am not willing to put any witness in a strait-jacket and try to tell him what to say.

If this witness knows of any other individuals who engaged in this treasonable conspiracy to steal these records from the State Depart-

ment and turn them over to a foreign power, he ought to tell us who those people are and I shall not join in any attempt to prevent him from naming them.

Mr. HÉBERT. Mr. Rankin, may I say this: I don't want to put the witness in a strait-jacket. You understand, as well as anybody else, how I feel about the matter. I am merely trying to possibly protect individuals who are not able to protect themselves, and I want to get to the facts as much as you, but I do not lend myself to bringing names up in public before the individual knows anything about it or before we know anything about it.

Mr. RANKIN. Well, the welfare of this country and the safety of this country means more than the exposure of the name of any individual who engages in activities of this kind.

Mr. MUNDT. I think the witness has understood the instructions of the Chair.

Mr. HÉBERT. Do I understand the witness is going to follow the instructions?

Mr. MUNDT. Yes; he has said so.

Mr. RANKIN. Mr. Chairman, we usually follow the rules of procedure here of the House of Representatives, and the rules of evidence followed by the courts. So, whenever the witness attempts to answer a question, or a question is asked that a member objects to, why, then he can raise the objection. Otherwise we are supposed to proceed with the hearing.

Mr. MUNDT. The witness will proceed. It is difficult for the Chair to understand how Democrats can disagree so much during the year and agree so much on election day, but it seems to be that way. [Laughter.]

Will the witness proceed?

Mr. LEVINE. Mr. Chairman, in answering the question of Mr. Stripling, may I be permitted to say a few words of introduction?

Mr. MUNDT. Surely.

Mr. LEVINE. I have known Mr. Chambers for nearly 10 years—

Mr. STRIPLING. Just a minute, Mr. Levine. Is that a statement?

Mr. LEVINE. No, it is not a statement, it is just two sentences.

Mr. STRIPLING. Yes; all right.

Mr. MUNDT. Proceed.

Mr. LEVINE. I want to express my profound gratification that a committee of Congress has, after 10 years of hopeless, futile, and strenuous efforts to break through this particular conspiracy, has at last seen fit to bring it at last before the American people and the world at large in its true dimensions. I simply feel that I am grateful as a citizen of the United States, to this body of the Congress, for doing the wonderful job it has been doing in this particular case.

Mr. STRIPLING. Now, Mr. Levine, when did you first meet Whitaker Chambers?

Mr. LEVINE. Around the latter part of April or the beginning of May 1939.

Mr. STRIPLING. 1939?

Mr. LEVINE. Yes, sir.

Mr. STRIPLING. Would you describe to the committee the circumstances of your meeting this individual?

Mr. LEVINE. He came to me through a mutual friend after I had collaborated on the articles of General Krivitsky, which were appear-

ing serially at that time in the Saturday Evening Post. He came with a manuscript which contained a great deal around and about a vast espionage apparatus in the United States, but which lacked the kind of facts to make it publishable at that time in the state of American public opinion then.

I so advised him. I developed a friendship with him. He was as scared as any—I don't want to use the word "rabbit"—as any hunted animal, and it was unbelievable to me that a native American citizen should fear his own shadow in the daylight in the streets of New York, in the center of the city.

As a result of the acquaintanceship and the friendship which I developed with him, I induced him to meet Krivitsky.

MR. STRIPLING. Now, at this point, would you describe or identify General Krivitsky? He was a witness, Mr. Chairman, before this committee, I believe, in 1939.

MR. LEVINE. Gen. Walter Krivitsky, who was found mysteriously shot and fatally shot in a Washington hotel, I believe in the beginning of February 1941, had occupied a position of the chief of military intelligence or counterespionage for the Soviet Government in western Europe.

MR. STRIPLING. For what government?

MR. LEVINE. The Soviet Government. He had never been in the United States, but he knew a good many top Soviet agents who had journeyed to the United States on various secret errands. I was anxious to have Mr. Chambers meet Krivitsky so as to check on the veracity of both of them and so as to accumulate the kind of evidence I thought the American people should have.

MR. RANKIN. Well, now, right at this point——

MR. LEVINE. Yes, sir.

MR. RANKIN. I think it ought to be brought out that General Krivitsky was a refugee from communism in Russia.

MR. LEVINE. Yes, sir.

MR. RANKIN. The Communist regime in Russia had, you might say, a price set on his head.

MR. LEVINE. Yes, sir; exactly.

MR. RANKIN. And many people think he was murdered in his hotel here, and I am one of the men who thinks he was murdered.

MR. LEVINE. I think, sir, it is a very tenable theory. It simply has never been proved.

MR. MUNDT. I didn't quite understand one statement. I thought you said that General Krivitsky had never been to the United States.

MR. LEVINE. Yes.

MR. RANKIN. Before.

MR. LEVINE. Never been to the United States before.

MR. MUNDT. Before when?

MR. LEVINE. Before his arrival here in December 1938.

MR. MUNDT. That is what I wanted to find out. He came here in 1938?

MR. LEVINE. That is right.

MR. MUNDT. Thank you.

MR. LEVINE. But he had known over a number of years before of various agents who had commuted between secret points in Europe and other points in the United States.

MR. MUNDT. That would be anti-Soviet or anti-Communist agents?

Mr. LEVINE. Soviet agents. He was a man who was on the inside of the secret service and intelligence headquarters in Moscow, and his information was vast.

Mr. RANKIN. He made one of the best witnesses before the Dies Committee on Un-American Activities that I have ever heard, I mean in exposing the workings of communism in Russia.

Mr. LEVINE. I am acquainted with the record; I am sorry I wasn't present at the hearings. I quite agree.

I want to get on, Mr. Stripling, in answer to your question.

Mr. STRIPLING. Mr. Chairman, I want to get the continuity here, if I could.

Mr. MUNDT. Proceed, Mr. Stripling, and interrogate the witness.

Mr. STRIPLING. Go ahead, sir.

Mr. LEVINE. The meeting that I arranged between Chambers and Krivitsky—and Chambers was very fearful and suspicious that I might be leading him into a trap—started some time in the evening. I was present for 2 or 3 or 4 hours and as I have repeated before, when I awoke in the morning at 7:30 or 8 o'clock in the morning, the light was still on in the front room, and the two men were still talking over coffee.

But during the hours that I witnessed the conversation a number of things developed which showed how these two men mutually supplemented and complemented their particular bits of knowledge. It was like fitting a jig-saw puzzle together and it was astonishing. And the most astonishing thing that developed that night was the identification of the man who is now in the press under the name of Colonel Bykov. That occurred in my presence.

Mr. Chambers, I believe, did not know him under that name. He simply described a very high top-secret officer of the Soviet secret service in this country, under an alias.

Mr. STRIPLING. And what was the alias?

Mr. LEVINE. I believe that the alias at that time was Peters, but I am sure that two or three other aliases were mentioned and one of them immediately led to an exchange of physical identification marks. And I remember it very vividly for the following reasons:

First, Krivitsky described him as a man with singular, reddish eyes. He was small, had red hair, came from Odessa, and described him as a very dangerous man.

When he found out from Chambers that this man was here and that Chambers knew him, I think he turned livid several times. There is no doubt in my mind from the remarks that Krivitsky made that he regarded him as one of Stalin's ace operatives.

Mr. STRIPLING. Did he state that he had any personal knowledge or this man Colonel Bykov operating in any other country of the world with the Soviet police?

Mr. LEVINE. I am sure that he stated that Colonel Bykov—that he, Krivitsky, had crossed the path of Colonel Bykov in dozens of different places, probably from Italy to Holland, because Krivitsky had operated, before coming to the United States, in half a dozen western European countries.

Mr. STRIPLING. Go ahead, Mr. Levine.

Mr. MUNDT. Proceed.

Mr. LEVINE. After this first meeting, when Mr. Chambers found that his articles could not be published because he was not prepared at that time to incorporate in them the material which I thought was essential to their marketability, Mr. Chambers and I did not see each other very much for some weeks or months until the Stalin-Hitler pact bombshell was, shall we say, exploded on August 23d, I believe, or 24th, 1939.

By that time I was convinced from numerous conversations with Krivitsky that the Soviet Government had our codes; that the Soviet Government was getting a torrent of information from numerous Government bureaus in the United States; that the Soviet Government had at least one agent in the United States Embassy in Moscow who supplied Soviet secret service with information right on the spot.

And that the Soviet Government spends a fortune in carrying out a single assignment of its secret service.

I asked Mr. Chambers if he would come forward, in view of the international situation, the threat of war which we regarded not as imminent, but as tantamount to a declaration of war—that is the way I, for instance, Krivitsky, and a few of us regarded the Stalin-Hitler Pact—and Mr. Chambers felt the same way, reacted instantly and said to me, “If you could take me to the President of the United States it wouldn’t take any time with the evidence in my possession to crack this case wide open.”

Mr. STRIPLING. Can you remember exactly, or approximately, when that was?

Mr. LEVINE. Yes, sir. That was within 48 hours of the signing of the Stalin-Hitler Pact. The conversation took place in the neighborhood of the Time offices, the offices of Time, and Mr. Chambers, who was still a very fearful man at that time, gave me a memorandum with his private telephone number then, which I have retained, on this Time office stationery.

I told him I knew President Roosevelt’s private secretary, McIntyre, or one of his secretaries, rather. In fact, it so happens that I also knew the late President Roosevelt, slightly, but not too well, but I have had a short conversation with him once. And I undertook to proceed to Washington.

I saw Mr. McIntyre. I believe I mentioned Chambers’ name to him. I think the conversation probably lasted 10 or 15 minutes. I sketched—

Mr. STRIPLING. Pardon me. Where did you see Mr. McIntyre?

Mr. LEVINE. When or where?

Mr. STRIPLING. Where?

Mr. LEVINE. In the White House in his office, adjacent to the press room.

Mr. STRIPLING. Did you call him before you came to Washington; did you make an appointment?

Mr. LEVINE. I probably did; I do not recall. It was not necessary for a newspaperman to do that. You could drop in, wait a few minutes, and talk to the man. He was a very friendly person.

Mr. STRIPLING. But did you go to see Mr. McIntyre for the sole purpose of bringing this matter to his attention?

Mr. LEVINE. For the sole purpose, and I came to Washington for that sole purpose.

Mr. STRIPLING. All right, go ahead.

Mr. LEVINE. I sketched the story in a few minutes. Mr. McIntyre, of course, was acquainted with the Krivitsky articles. I think we discussed it for a couple of minutes, he asked me some questions. You see, Krivitsky had foretold the Stalin-Hitler pact and that put me in a preferred position with Mr. McIntyre because I saw him 2 or 3 days after the Stalin-Hitler pact, and when the article had first been published in March 1939, there were even editors on the Saturday Evening Post—which has a large staff, of course, of editors—who doubted that particular article.

That paved the way for my conversation with Mr. McIntyre. Mr. McIntyre was very sympathetic, very friendly, but he intimated that this is not a matter that the President himself should, at such a critical time—it was a rather exciting and critical time on the eve of the war—shall we say, to handle. This was not a matter for the President, and he suggested that—he asked me if I knew Mr. Berle, who at that time was Assistant Secretary of State, Adolph A. Berle, Jr., and I said I did. He informed me, and that was the first time I heard about that fact, that Mr. Berle, among other duties, was handling liaison with our intelligence bureaus and divisions of the Government.

He telephoned Mr. Berle. It wasn't necessary. Mr. Berle later testified that he telephoned to him and I went over and saw Mr. Berle.

Mr. Berle, of course, had no knowledge whatsoever of the existence of Mr. Chambers, but he had known me over a long period of years just on and off, casually, and I think he had confidence in me. I told him that this man wanted to see the President, what he had, and he will not come to the State Department because if I brought him to the State Department he feared being recognized and identified, but he would come to some private place. Whereupon, Mr. Berle was kind enough to arrange for a dinner at his home at the Woodley House, the house which was the property of former Secretary of War Stimson, which Mr. Berle was occupying at the time, and there we met the night of September 2.

Mr. Chambers flew in from New York.

Mr. MUNDT. September 2, 1939?

Mr. LEVINE. 1939. It is a memorable night, because the fate of the world was hanging in the balance between September 1, after the attack on Poland, and September 3, the declaration of war by France and Great Britain upon Germany.

There were four of us at dinner. I am cognizant of the fact that Mr. Berle, who was very tired from working 16 and 18 hours a day, later stated, or testified that he didn't remember my presence.

Subsequently he telephoned me and I straightened him out on the facts, and he was gracious enough to acknowledge that I was correct, because I described to him exactly how Mrs. Berle sat, where I sat, where Chambers sat, where he sat, the corner of the room—I had never been to the house before and have never been there since—the corner of the room after dinner where we repaired to, the desk where he made notes when Chambers spoke. It was a hot night; we went out and sat under the big tree as we talked for an hour or so. I recalled all that to him.

Mr. Chambers unfolded a picture which, as you already know, showed a systematic, highly organized apparatus looting not only the State Department, but he was particularly familiar with the State Department, but Government files in many bureaus in Washington.

When I got back to the Hay-Adams Hotel I made notes.

Mr. STRIPLING. Now, how long did your conversations with Mr. Berle last?

Mr. LEVINE. The dinner conversation in the presence of Mrs. Berle did not touch upon any of the purposes of the evening, it was light talk. Subsequently, I should say 3 hours.

Mr. STRIPLING. Three hours?

Mr. LEVINE. At least.

Mr. STRIPLING. Now, Mr. Chambers, did he tell his story to Mr. Berle, or did you tell it for him?

Mr. LEVINE. No.

Mr. STRIPLING. He told it?

Mr. LEVINE. Mr. Chambers told the story; occasionally I reminded him of something that he may have told me that I knew of which fitted into a detail.

Mr. STRIPLING. How much detail did Mr. Chambers go into with Mr. Berle? For example, did he name the people?

Mr. LEVINE. Yes, sir.

Mr. STRIPLING. He gave him the names of people in the Department of State, for example?

Mr. LEVINE. Yes, sir.

Mr. STRIPLING. Whom he said were looting or taking files and doing what with them?

Mr. LEVINE. Transmitting them, photostating them, and transmitting them to Soviet agents, secret Soviet agents, to be sent to Moscow.

Mr. STRIPLING. Did Mr. Berle express any alarm over Mr. Chambers' story?

Mr. LEVINE. I definitely remember that Mr. Berle was deeply impressed and very much concerned over it. The purpose, if I may say a word here, of that meeting was for Mr. Berle to go to the President. That was understood beforehand between Mr. Berle and myself.

Mr. STRIPLING. Why was Mr. Chambers so insistent on getting this matter before the President; do you know?

Mr. LEVINE. Yes, I do know.

Mr. STRIPLING. Can you tell the committee why?

Mr. LEVINE. Yes. Because Mr. Chambers felt that with war on, regardless of the consequences, as a patriotic American, he had to act and he could not sit on that information. It was the war that enabled me to bring Mr. Chambers to Washington.

Mr. RANKIN. Mr. Levine.

Mr. LEVINE. Yes, sir.

Mr. RANKIN. Would you mind submitting to the committee at this time the names of the individuals whom you say Mr. Chambers gave to Mr. Berle that night?

Mr. LEVINE. Sir—

Mr. RANKIN. Who were looting the records of the State Department.

Mr. LEVINE. I would rather not do it. I think it should be done in executive session, and if I am permitted, Mr. Chairman, I would like to give my reason for it. My information, after all, is second-hand. Mr. Chambers' information is first-hand. I came here really to talk about something else, about the efforts of an American and a few others to break through the conspiracy of silence, and that is what I would like the members of this committee to listen to.

Mr. STRIPLING. Mr. Levine, let me interrupt you.

Mr. LEVINE. Yes, sir.

Mr. STRIPLING. This committee is principally concerned now—

Mr. RANKIN. Now, just a moment right there. I don't want to let that statement go unanswered. I am willing to wait and get this information in executive session, but what you are saying is not hearsay testimony, because you, according to your statement, heard Mr. Chambers tell the Under Secretary of State that there were individuals, giving their names, in the State Department, looting the State Department of documents or records that were of vital interest to the safety of the Nation.

Mr. LEVINE. Sir, will you permit me to answer the question as follows: The names of Alger Hiss and Donald Hiss were among those which I recorded on paper in ink upon my return to the hotel.

Mr. STRIPLING. What hotel were you stopping at?

Mr. LEVINE. Hay-Adams House in Washington.

Mr. STRIPLING. You mean after this conference you went to your hotel?

Mr. LEVINE. Yes.

Mr. STRIPLING. Had you made notes of that conference?

Mr. LEVINE. Yes, sir; that night.

Mr. RANKIN. You said Alger Hiss?

Mr. LEVINE. Alger Hiss and Donald Hiss.

Mr. STRIPLING. Now, those two names—

Mr. MUNDT. Before we leave the names, I take it there were other names, but those are the two names which have previously appeared in print, and that is why you mention these two names now?

Mr. LEVINE. Yes, sir.

Mr. MUNDT. The other names you will give us in executive session?

Mr. LEVINE. Yes, sir.

Mr. MUNDT. Very good.

Mr. STRIPLING. What did Mr. Berle say at the conclusion of this conference? Did he say what action he intended to take, or what he intended to do about it?

Mr. LEVINE. Mr. Berle left us with the feeling that he was going to act in the matter, and that times being what they were, it would have to be handled with the utmost delicacy and that we should not pry too much, nor be too impatient as to the procedure which the proper Government agencies would take.

Mr. STRIPLING. Now, Mr. Levine, I am interested in one particular thing. In your conferences and conversations with Whittaker Chambers, did he ever at any time tell you that he had any documentary evidence to substantiate his allegations?

Mr. LEVINE. Yes, sir.

Mr. STRIPLING. When did he tell you that?

Mr. LEVINE. In the course of the summer of 1939, when we discussed the marketability of his articles, I asked him if he had any evidence, and he told me that there was such evidence. He mentioned micro-films and he also mentioned in a general way documentary evidence, without going into detail.

Mr. STRIPLING. Well; did he say that that evidence was available?

Mr. LEVINE. Yes, sir.

Mr. McDOWELL. Did he show them to you?

Mr. LEVINE. No, no.

Mr. STRIPLING. Did you ask him for the evidence?

Mr. LEVINE. I understood when I was going to Washington in an effort to bring him to President Roosevelt, that that is exactly what would transpire, that Mr. Chambers would leave certain evidence which he wouldn't show to me before the President of the United States, and something or another would happen, and the whole matter would be clinched right there and then.

Mr. STRIPLING. But when you took him to see Mr. Berle, did he have with him any documentary evidence?

Mr. LEVINE. No, sir; he did not.

Mr. STRIPLING. Did you ask him about it?

Mr. LEVINE. No, sir; not on that occasion he did not have the same feeling about Mr. Berle that he had about President Roosevelt. If I remember correctly, he on several occasions had expressed his utmost confidence in the President.

Mr. RANKIN. Was General Krivitsky with you that night?

Mr. LEVINE. No, sir. Krivitsky did not know of that trip; and if he found out later, that was not through me.

Mr. RANKIN. As I understand it, you were making an effort to get a conference between General Krivitsky and President Roosevelt?

Mr. LEVINE. No, sir; no, sir.

Mr. RANKIN. Between Chambers and President Roosevelt?

Mr. LEVINE. Between Chambers and the President. Chambers had American material, American evidence. Krivitsky had European and general material.

Mr. STRIPLING. Did he indicate to you where this evidence was?

Mr. LEVINE. He indicated, I think subsequently several months later when I raised the question, that that evidence was being kept in a safe place for trading purposes with the OGPU and Soviet Government in the event he or his wife or his children met with any harm. If his children, for instance, were kidnaped, the evidence would be produced which could have them released. If he himself were to be abducted, the party that had the evidence could then wield a club over Stalin's NKVD or OGPU and use that cache of material in order to effect the release of either Chambers or of any member of his family.

Mr. HÉBERT. Did he tell you that was why he was keeping this cache?

Mr. LEVINE. That is what I understood to be the reason for certain material which he withheld.

Mr. HÉBERT. Not what you understood, Mr. Levine. What did Mr. Chambers tell you?

Mr. LEVINE. That is what he told me in effect, and that is what I understood, sir.

Mr. HÉBERT. Did Mr. Berle ask him if he had any documentary evidence to present to substantiate the charges?

Mr. LEVINE. I do not believe that he did; I do not recall, sir, that that question was brought up.

Mr. HÉBERT. Did Mr. Chambers himself volunteer the information to Mr. Berle that he did have documentary evidence?

Mr. LEVINE. Not in my presence. It may have happened for a moment while I went to get a drink of water, or to the washroom, but not in my presence, sir.

May I continue, or would you like to ask a question?

Mr. STRIPLING. My principal interest, Mr. Chairman, is to determine whether or not any responsible person was put on notice that evidence was in existence.

Mr. LEVINE. Yes, sir.

Mr. STRIPLING. Now, Mr. Nixon and Mr. McDowell have taken testimony which bears upon this point, executive testimony. I would like to determine whether or not that information before their subcommittee is confirmed by any information you have as to where this evidence was, and why it was not brought forward.

Do you know whether or not Mr. Chambers advised any agency of the Government, the Federal Bureau of Investigation, or any official of the Government, that he had in his possession evidence regarding this conspiracy?

Mr. LEVINE. Mr. Chambers, to my knowledge, felt that having taken the matter up with President Roosevelt's secretary, having presented the matter to the Assistant Secretary of State, he had gone far enough in his perilous position and he knew that I was hammering away, trying to find an opening either in the public mind, or in the governmental minds for the Chambers story.

He knew—I believe he knew that when no action was forthcoming from the conference with Mr. Berle, I went to former Ambassador Bullitt—that was some 3 months later. I sketched Bullitt the whole thing, and gave him some additional bits of information that I knew from Krivitsky, the whole story put before Bullitt. Bullitt also was impressed, excited, and said he would go to President Roosevelt with it.

I described all the information in my possession, that is, without mentioning the name of Chambers to a high official in the State Department who had served in Moscow, Mr. Loy Henderson, who is now United States Ambassador in India.

Mr. STRIPLING. How do you spell that?

Mr. LEVINE. Mr. Henderson, Loy, L-o-y, United States Ambassador to India.

I kept in touch with Miss Adelaide Neall, N-e-a-l-l, senior editor of the Saturday Evening Post at that time, and a close co-worker of George Horace Mortimer for 30 years.

She was excited; she wanted to know all the developments. I figured that this story would break and that the Saturday Evening Post and I might have a scoop. Nothing happened.

A year later, in February or March, 1940, I spent 2 hours with Mr. Walter Winchell in Miami. I gave him in rough the whole story, without mentioning the name of Chambers. Mr. Winchell claimed that he had entree to the White House, that he knew the President and expressed a willingness and a desire to do something about it. Nothing happened.

After about a year and a half of futile efforts and spending quite a bit of my own money, I decided that neither the people of the United States nor the leaders in the Government at that time had sufficiently familiarized themselves with Soviet espionage to make the Chambers story credible; that it was utterly hopeless to proceed to bash one's head against a stone wall and one had to go on and make a living, and I abandoned my particular efforts.

Mr. STRIPLING. Do you know, Mr. Levine, whether or not the Federal Bureau of Investigation subsequently interrogated Whittaker

Chambers after the conference with Mr. Berle, I mean, of your own knowledge?

Mr. LEVINE. No, sir.

Mr. STRIPLING. Mr. Chambers never told you that?

Mr. LEVINE. No, sir.

Mr. STRIPLING. I am particularly interested in why he wanted to go to the President of the United States. You say that he was a patriotic American who wanted to get this matter before the President. Were there any other considerations that you were aware of?

Mr. LEVINE. Yes. I think the fear that he had that Hitler and the Nazis might get, via Moscow, all the information that he knew was being poured out from Washington to the Kremlin, preyed on his mind as it preyed on my mind.

Mr. McDOWELL. Did he say that, Mr. Levine?

Mr. LEVINE. He said it in different words on different occasions to that effect, yes, sir.

As I said before, the appalling effect of the Stalin-Hitler Pact, you know, shook him to his foundations, as it shook us all. He knew enough about Soviet underground activities to know that if Stalin could not supply grain he would supply American documents to Hitler. If he couldn't furnish oil, he could at least furnish dispositions of allied military forces to Hitler and buy his grace with Hitler that way.

Not only Mr. Chambers knew it, General Krivitsky knew it, I knew it.

Mr. STRIPLING. Now, Mr. Levine, did Chambers in your conferences with him regarding his participation in the Communist apparatus, did you gain any knowledge from him at that time that there were other apparatuses in operation in Washington besides the one in which he alleges to have been active?

Mr. LEVINE. Yes, sir. Both Mr. Chambers and General Krivitsky educated me to realize that a ring, or the rings of which Mr. Chambers had knowledge, were but a small part of a labyrinthal system which involved, to my subsequent knowledge, at least 10 separate centers or rings of Soviet underground activity in the United States.

Mr. STRIPLING. Now, just a minute. You say 10 rings?

Mr. LEVINE. Yes, sir.

Mr. STRIPLING. Now, Mr. Chairman, if he is going to name any of these rings or any of the individuals mentioned in the rings, if Mr. Hébert's request is to stand, I think that should be executive.

Mr. MUNDT. It should be executive in conformity with our committee procedure, but if you have at your command the names of the leaders of any of these other rings, the committee certainly wants to get that information in executive session.

Mr. LEVINE. Mr. Chairman, two or three of these can be mentioned, because as a matter of fact, they are all a matter of public knowledge. It is simply a question of getting to the bottom. Let's take one instance, the counterfeiting of American money by the Soviet military intelligence.

Mr. McDOWELL. The what?

Mr. LEVINE. The counterfeiting of American money, \$100 bills by the Soviet military intelligence.

It is a ring which involved a Dr. Burtan who served a 15-year sentence in Lewisburg, Pa., and who never told his story. It is a ring which involved Nick Dozenberg, an operative who testified before this committee and whom Krivitsky had known in Austria.

Mr. STRIPLING. Wasn't he also sentenced to prison, Nick Dozenberg?

Mr. LEVINE. I believe he served some sentence. It is a ring which involved, according to Krivitsky, the securing of American currency paper from an American mill which had to be transported to Moscow in order to be able to print the \$100 bills there on genuine, authentic American stock.

Mr. MUNDT. Did you get your information about that ring from Mr. Chambers, from General Krivitsky, or from some other source?

Mr. LEVINE. Mostly from Krivitsky, mostly from Krivitsky.

Mr. MUNDT. Do you know whether Mr. Chambers knew that?

Mr. LEVINE. I believe that Mr. Chambers knew of the case of Dr. Burtan. It was a matter of public record, but it was a case, Mr. Chairman—I have to explain this in two or three sentences—that we could talk about, but you couldn't talk to outsiders, because people laughed at you, you know. I mean, we took it for granted because the facts were there, and, as a matter of fact, the \$100 bills are displayed in the United States Treasury now. Anyone can go over and look at them.

The whole inside story was known by Krivitsky; the story was printed partly in the Saturday Evening Post, pictures and everything else. The American people to this day never got to the bottom of that particular ring, because the main figure in it chose, even when a parole was offered to him, not to talk. He served his 15 years in full, and the conspiracy remains unbroken. It is just one of any number of other things, but I am using it as an illustration only.

Mr. McDOWELL. Is he still in this country?

Mr. LEVINE. Who?

Mr. McDOWELL. This man who served the 15 years.

Mr. LEVINE. Oh, yes; he is an American, B-u-r-t-a-n. I am sure it is in the committee records. I am sure General Krivitsky testified about that.

Mr. STRIPLING. That is right.

Mr. MUNDT. You may proceed.

Mr. STRIPLING. Do you know whether or not Mr. Chambers ever talked with anyone else in the State Department about this? You mentioned Mr. Henderson.

Mr. LEVINE. Mr. Chambers did not speak to Loy Henderson, I did. But I do know that subsequently—and I will ask the chairman that the name be mentioned in executive session—Mr. Chambers was in touch with certain officials of the State Department; yes, sir.

Mr. STRIPLING. In which he set forth this information, but you are not aware of the details?

Mr. LEVINE. I am not aware of the details, but I know a lot of time was spent by him with certain officials of the State Department.

Mr. STRIPLING. That is all I have, Mr. Chairman.

Mr. MUNDT. Mr. Hébert said that he feels the name of the man in the State Department to whom Mr. Chambers talked could be made a public record, because then we can corroborate that.

Mr. STRIPLING. Just a moment. I have read the testimony given by Mr. Chambers at the pretrial deposition in Baltimore, and in that deposition he names the person. The person whom he gave that information to in some detail is involved or is responsible in some degree—I am not sure how much—with the security of the State Department. He is not a person who is publicly known, and I really don't think that his name should go into the record.

Mr. MUNDT. All right. We will get it in executive session. That is all right.

Mr. LEVINE. Mr. Chairman, may I add a few words to my answer to the last question in connection with the 10 rings?

Mr. MUNDT. Go right ahead, sir.

Mr. LEVINE. I feel very strongly, sir, that unless this committee, the Government, and the people of the United States fully appreciate the service rendered by Whittaker Chambers and in this manner encourage other members of the underground to come forward with their material and their stories, we will never get the truth, we will never break the conspiracy within the Government. For what you and I have seen is but a small segment of an enormous underground empire.

I feel that there is altogether too much preoccupation and speculation as to why Chambers did not produce the documents in time, and that there is not enough concern about the persons who stole the papers.

I feel that Mr. Chambers was never, or was not at the time an employee of the Government and the people who stole the papers were employees.

I think it should be the concern of the Government and of the people and of the press to focus the spotlight upon the persons who did the filching, upon the persons who protected them, upon the persons who gave them jobs, upon the superiors and all others who made this dreadful condition possible.

The question before the country is not why Mr. Chambers committed or did not commit an error of judgment, but what are we going to do in order to ferret out in all its enormity, this horrible monstrosity?

I just want to say in conclusion, sir, that in Canada the Soviet clerk Gousenko was rewarded by a grateful government for his services to mankind. He was given honorary citizenship. He has gotten protection from the Mounties, which he still enjoys. He got a pension.

Chambers has rendered a similar, if not a greater service. That should be recognized by our press and by our authorities. They should realize the state of terror under which an American lived after his break with the Communist underground. He feared assassination or abduction of his wife and children. He saved the papers as insurance.

The American people, I hope through this committee, will understand the fundamental issue involved in the Hiss-Chambers thing, and that is, let us get the entire truth, for I believe—and I am expressing an opinion now—that Mr. Chambers dealt with only 10 percent, and I think that is a liberal estimate, of the papers that were being rifled in at least 30 or 40 Government bureaus in Washington and were being shipped in dozens of suitcases, specially constructed in Moscow, for the transportation of spools of microfilm via Mexico, Canada, Europe, and Asia, all converging upon Moscow. They have our entire insides.

Mr. MUNDT. Mr. Levine, before asking questions, I would like to assure you, as chairman of the subcommittee handling this case, in connection with your criticism of the attitudes of some peoples who concentrate on the problem of why Chambers did not disclose this documentary evidence first, and to play down the discovery of the people who stole the documents from the State Department, that this committee has no control over the activities or attitudes of other branches of government. But insofar as this committee is concerned, we are going to continue to try to disclose the identity of the man or people who did steal these documents in the State Department and deliver them to Chambers and other people, and that we propose to continue with this case until we have gotten down to the bedrock of the fundamentals.

Certainly you have placed your finger on one fundamental, and that is to find out who it was in the State Department who stole the documents and delivered them to Chambers, and perhaps to other people.

Now, I would like to ask you a question or two, and I am sure other members of the committee would, too. Have you finished your statement?

Mr. LEVINE. Yes, sir.

Mr. MUNDT. I would like to ask you, first, a question which is more or less standard in cases of this kind, which I hope you will feel free to answer.

You said you were born in Russia and that brings it to mind to ask whether you are now, or ever have been, a member of the Communist Party?

Mr. LEVINE. No, sir.

Mr. MUNDT. I would like to ask next whether you ever knew Mr. Whittaker Chambers by any other name.

Mr. LEVINE. Only subsequent to my meeting him.

Mr. MUNDT. Either at the time you knew him, or subsequently, did you ever hear him referred to by the name of "George Crosley"?

Mr. LEVINE. No, sir; never.

Mr. MUNDT. Mr. McDowell.

Mr. McDOWELL. Mr. Levine, there were four people at the table at Mr. Berle's house?

Mr. LEVINE. Yes, sir.

Mr. McDOWELL. Will you identify those four?

Mr. LEVINE. Yes. Mr. and Mrs. Berle, Mr. Chambers, and yours truly.

Mr. McDOWELL. Thank you. Now, you have also said that the apparatus that was described to you by Chambers here, you feel there were 10 operating rings or apparatus operating in Washington. We have discovered three. Some of the members know of one more, and some others know of two more, making five. Do you still feel there are at least 10 operating or were operating in Washington?

Mr. LEVINE. That may not be the most fitting description. I feel that there are many more than 10. I know of at least 10 separate efforts by separate groups at separate times which require probing to the bottom in order to expose at least 10, at least 10 rings. That is the best way I can answer it.

I think if the Canadian Royal Commission found in little Canada that there were 7 or 8 parallel centers or rings in existence, I should

not be surprised if in the United States Soviet secret service had 77 underground cells scattered from Seattle to New Orleans, doing industrial, political, governmental, scientific, and other espionage.

Mr. McDOWELL. Well, as a matter of fact, Mr. Levine, some of us feel there are 132 in the United States.

Now, Mr. Levine, when the full committee meets, I intend to introduce this resolution which I trust will be adopted by the committee. With the permission of the chairman and the committee I will read the resolution.

Mr. MUNDT. Very well.

Mr. McDOWELL (reading):

That the Committee on Un-American Activities has heard Mr. Whittaker Chambers in a series of hearings since the early part of August 1948, and as a direct result of his cooperation has been enabled to reveal to the Nation a vast network of Communist espionage involving high officials of our Government and the theft of documents vital to our national security. I am fully cognizant of the fact that Mr. Chambers appeared voluntarily, risking his life, his health, his position, and his public standing generally.

I am fully appreciative of the high patriotic motives which moved him to act. The Committee on Un-American Activities wishes to express in behalf of the American people its appreciation and gratitude for the service Mr. Chambers has rendered. I am confident that his revelations will prove highly valuable and instrumental in enabling the incoming Congress to enact legislation that will effectively plug up the leaks which have been disclosed, and deal sternly with all future violators of our national security.

At the same time, I hope that by revealing in all of its ugliness and sinister-ness the real nature of the Communist conspiracy against the United States, Mr. Chambers has set an example for thousands of other misguided individuals in the Communist movement, and that they, too, will renounce their traitorous conspiracy before it is too late, and before they are hopelessly enmeshed beyond redemption in the Communist fold.

Mr. MUNDT. Mr. Rankin.

Mr. RANKIN. Mr. Levine, you spoke of General Krivitsky a while ago.

Mr. LEVINE. Yes, sir.

Mr. RANKIN. I heard General Krivitsky's testimony, and shortly after that testimony was given he was found dead in a hotel here in Washington. You said that he was in the next room to you talking to Mr. Chambers; is that correct?

Mr. LEVINE. After midnight, after spending 2 or 3 hours with the two of them, I left them alone.

Mr. RANKIN. In what language were they talking?

Mr. LEVINE. German.

Mr. RANKIN. They were talking German?

Mr. LEVINE. Yes, sir.

Mr. RANKIN. The reason I ask you that, your statement puzzled me a while ago, because when General Krivitsky appeared before the Dies Committee he spoke in Russian and had to have an interpreter, so your statement puzzled me in the beginning.

So they were talking in German?

Mr. LEVINE. It is all very interesting, yes.

Mr. RANKIN. You say that he told Adolph Berle, who at that time was Under Secretary of State—

Mr. LEVINE. Assistant Secretary of State.

Mr. RANKIN. Assistant Secretary of State, about this espionage, about this filching of the records, the stealing, in other words, of the

vital documents from the State Department. Did he tell Mr. Berle that he had some of those documents?

Mr. LEVINE. No, sir. That question was not asked, and he did not volunteer, in my hearing, anything on that point.

Mr. RANKIN. You said you told Walter Winchell all this?

Mr. LEVINE. A year passed. The Stalin-Hitler pact was on. Mr. Winchell concentrated his attention at that time upon the Communists, and I felt—I was in Miami—that perhaps he would spring the story and do something about it.

Mr. RANKIN. Did you tell him what Mr. Chambers had told you?

Mr. LEVINE. I pretty well, without mentioning the name of Chambers, without bringing up the identity of the man, outlined to him everything I had discovered from Chambers and Krivitsky about what was going on in Washington. He listened; he intimated that he had been a guest at the White House, and that he might and would do something.

Mr. RANKIN. Well, did you know of the existence of these documents that Mr. Chambers had in his possession? When did you learn about them?

Mr. LEVINE. I learned about them in the summer of '39. I believe that some time in 1940 I asked Mr. Chambers about them, and he intimated to me, in such a way that I could not quite put my finger on it, that he had perhaps destroyed them. He indicated that he did not wish me to carry away the impression, when everything cooled off, that he had the documents. And in fact, he told me the documents were available. He never told me that he had had them in his own possession because he used them as a safety shield for himself.

Mr. RANKIN. Did you ever report that to any other Government official?

Mr. LEVINE. I might have mentioned it to Loy Henderson whom I saw frequently, and to one or two other loyal State Department officials whom I knew, but I don't think that they were in a position to do much about it. They ate their hearts out and waited.

Mr. RANKIN. Of course, Mr. Levine, what we are after is the facts, regardless of what anyone may think or say about Whittaker Chambers. The fact remains that he has turned over to us documents, more than a hundred of them, I will say, that were stolen from the State Department back in those days. And I am convinced beyond a reasonable doubt that those documents not only contributed to the Hitler-Stalin pact, but they later contributed to the Japanese success at Pearl Harbor.

What this committee is after, while the Department of Justice is shadow-boxing between Alger Hiss and Chambers in New York, instead of calling the grand jury together here in Washington and backing up this committee in its investigation—what we are after is to get the facts. We want to know who is responsible for the theft of these documents, and if you have any other information on that subject, I hope you will unbosom yourself and give it to us in full.

Mr. LEVINE. Thank you. I think the most important relevant information is one which Congress has already tried to unravel, and that is the so-called State Department espionage case, the case of Amerasia, which involves our policy in China, and which involved the theft of a couple of hundred top secret documents in wartime, and which ended with the imprisonment of none of the six.

I am referring, sir, to the six persons, Lt. Andrew Roth, John Stewart Service, Stillwell's adviser on our China policy, Phillip Jaffee, manufacturer of Christmas cards, the possessor of a photostatic apparatus, a very costly one for the reproduction of top secret State Department, naval, military, and other papers and the three others involved in that matter.

Mr. RANKIN. I would like to have the other three names, if you have them.

Mr. LEVINE. Yes. The names involved in addition to the three mentioned were Miss Mitchell—Phillip Jaffee I mentioned. There was Kate Mitchell, I believe, John Stewart Service. Here are the names:

Kate Mitchell, Marc Gayn, a journalist who used those documents in his journalistic profession, more recently a correspondent in Tokyo. Kate Mitchell is Kate L. Mitchell, coeditor of Amerasia.

To me that case is in some respects more shocking than the present case, because it occurred in wartime, and because it involved a member of the armed services.

Mr. RANKIN. What time in the war did that happen?

Mr. LEVINE. That happened in 1945.

Mr. RANKIN. What document are you referring to there?

Mr. LEVINE. I am reading an article by one of the six, Emanuel Larson, a minor figure, who describes the entire case from beginning to end in Plain Talk for October 1946.

Mr. RANKIN. Do you mean that those individuals had purloined documents from the State Department, or from any other department?

Mr. LEVINE. I mean that some of those individuals did exactly that, and others were accomplices and made use of those documents.

Mr. RANKIN. During the war?

Mr. LEVINE. Yes, sir.

Mr. RANKIN. They were stealing the secret documents?

Mr. LEVINE. Yes, sir.

Mr. RANKIN. These vital documents?

Mr. LEVINE. Yes, sir.

Mr. RANKIN. From the departments of this Government and surreptitiously passing them on to Moscow?

Mr. LEVINE. Yes, sir.

Mr. RANKIN. And at that time Moscow entertained the Japanese Ambassador, didn't it?

Mr. LEVINE. That's right.

Mr. MUNDT. Will the gentleman yield?

Mr. RANKIN. Yes, sir.

Mr. MUNDT. I recall that case from reading it in the newspapers, but that happens to be a case which was handled by Attorney General Tom Clark's Department of Justice, and not this committee. I wish you could refresh us, if you know, what action the Department of Justice took to prosecute the people guilty of that crime.

Mr. LEVINE. I believe, sir, that Mr. Clark was not the Attorney General at the time.

Mr. MUNDT. Well, at least the Justice Department.

Mr. LEVINE. In any event, some of these people were let go scot free. Some were fined, like Mr. Jaffee, \$3,000, and one of them who was photographed, and the photographs appeared in the press at the

time, John Stewart Service, as passing the documents, was rewarded by continuing him in the service of the United States Government at some outlying post.

Mr. MUNDT. That would indicate to me that if we are ever going to get at the people who have stolen these documents and given them to Chambers, and get a conviction, the American public is going to have to rely upon this committee, and not the Department of Justice, because on the basis of the record up to now, certainly there isn't much to hope for from the standpoint of the public.

Mr. RANKIN. Before I leave, let me say this to you—

Mr. LEVINE. Yes, sir.

Mr. RANKIN. General Krivitsky's statement before the Dies committee was, to my mind, the most impressive warning that this Government had received up to that time. And I remember one vociferous individual whose name I will not mention, who seems to take me to task in a broadcast from Paris, used every influence he had to try to discount General Krivitsky's testimony before the Dies committee. Thank you.

Mr. MUNDT. Mr. Nixon.

Mr. RANKIN. And that individual is continually attacking this committee. Now, the members of this committee have no ax to grind. We get no extra compensation. We get all the smear and all the abuse that can be heaped upon us, not only by the reds, but their fellow travelers, their sympathizers, and their hired stooges all over the Nation. So what this committee is trying to do is to save this country.

Mr. LEVINE. Yes, sir.

Mr. MUNDT. Mr. Nixon.

Mr. NIXON. Mr. Levine.

Mr. LEVINE. Yes, sir.

Mr. NIXON. The purport of your testimony, as I understand it, is that Mr. Chambers did make this information available to high-ranking Government authorities in 1939.

Mr. LEVINE. Yes, sir.

Mr. NIXON. In your opinion at that time, did Mr. Chambers give sufficient information that those high-ranking authorities, had they acted, could have stopped the conspiracy at that time?

Mr. LEVINE. Absolutely.

Mr. NIXON. And their failure to act, in other words, was responsible for the conspiracy continuing, if it did continue after that time?

Mr. LEVINE. Yes; with this additional observation, that their failure to act may have been due to short-sightedness, or blindness.

Mr. NIXON. Mr. Levine, I am not concerned about placing the blame upon any high-ranking officials who failed to act as of a certain time. We are faced in this hearing with a very serious fact, as brought out particularly by the testimony in open and executive sessions yesterday and today, that information of the most confidential character has gone to the agents of a foreign power, which at the present time is unfriendly to the United States, and which in times past has adopted attitudes and policies which are unfriendly to the United States.

What this committee has to do—and this is beyond and apart from the function of the grand jury, which can only convict or indict for a crime—this committee has the responsibility of pointing out to the people, the American people, wherein our elected and appointed offi-

cials have failed to take action which they could have taken which would have protected the national security.

Now, in that connection I understand, then, that there were at least three high-ranking officials to whom you sent this information, either by Mr. Chambers or by yourself, at least in some form it was conveyed?

Mr. LEVINE. Yes, sir.

Mr. NIXON. And to your knowledge no action of a substantial character was taken as a result of those conversations?

Mr. LEVINE. That is absolutely correct.

Mr. Nixon, you raised a point which I think, if you will permit me, or if the chairman will permit me, I would like to supplement, when you spoke of our failure to act.

At that very time I had learned from Krivitsky of the existence of two top Soviet spys in the British cabinet, and in the Committee of Imperial Defense. One of those two I knew by name.

I went to Ambassador Lothian, after a proper introduction. The information was checked and found to be correct, although he was somewhat skeptical when I first called upon him; 2 weeks later I was called from Connecticut to come to Washington. They made arrangements to meet Krivitsky through his attorney. They made arrangements, the British, to take him to Canada and from there to Great Britain, and I think before General Krivitsky arrived in Great Britain the spy in the British cabinet, whose name I gave to Lothian at that time—his name was King—he was found to be there. He was spotted, and he was executed in the Tower of London.

That is what the British Government did when information was conveyed to it by me, acting exactly in the same capacity in which I acted with reference to Krivitsky and Chambers.

Mr. Nixon. Mr. Chairman, at that point I want to point out a very significant fact. Mr. Chambers testified before the Committee on Un-American Activities for the first time on August 3d of this year. Most of the members presently sitting were present at the time of that hearing and at that time, if you will read the testimony, you will find that Mr. Chambers did not present to the Committee on Un-American Activities as much in the way of factual information as he had previously presented to Mr. Berle, and as he had previously presented to Government agencies, who, over a period of years, have interviewed him a number of times preceding his appearance before the committee.

Nevertheless, as a result of Mr. Chambers' appearance before the committee at that time, rather than simply giving that information—and I use a term which is better to describe it, I think, than what we might term classical language—rather than giving that information the brush-off, or kiss-off, this committee, in spite of public criticism, in spite of criticism from the press, proceeded to dig into a very nasty situation. And only as a result of this committee's following up on that situation, and but for this committee's following up that situation, for the first time documentary evidence in great quantities has been made available, which proves beyond doubt the existence of a Communist conspiracy in this country which was extremely effective in obtaining the most confidential documents for the Russian Government.

Now, I make that statement advisedly. I am not overexaggerating the facts. All that you have to do is to read the testimony or to

remember the testimony that has been given by State Department officials themselves.

I think that all of us are aware, and certainly the members of this committee are aware, and I am confident the members of the press are aware, that the Department of Justice has indicated that they want this committee to drop its investigation, and I use that term advisedly, because in spite of our repeated attempts, the Department of Justice—in spite of our repeated requests—has made it clear that they do not want this committee to hear any witnesses who are involved in this investigation.

Mr. Chairman, I for one, as a member of this committee, am stating now publicly that I do not intend to entrust to the Department of Justice or to the present administration, which for 10 years has had these facts and done nothing about it, the responsibility which is ours, as well as theirs, of putting the spotlight on these activities, whether or not a technical crime has been committed.

Now, in that connection I wish to make one other observation. The Department of Justice has indicated, as they should—and I may disagree with some of my colleagues on this point—has indicated an interest in indicting Mr. Chambers for technical violations of law, particularly technical perjury, which he may be guilty of by reason of the fact that he testified before this committee in one connection in one way, and a later connection in another way. The Department of Justice has that responsibility.

But on the other hand, I think that it is high time for us to recognize, as Mr. Levine has put it very well here this evening, that Mr. Chambers' technical violations of the law, his reasons for failing to turn over this information in documentary form to the Government, or to this committee prior to this time; where the information has been prior to this time, and the other collateral issues which have been raised, and I think mistakenly in some cases by reason of poor judgment by some of the outstanding editorial writers in the country, that all of those reasons are beside the point, insofar as the duty and responsibility of this committee and the Department of Justice is concerned.

Because in that connection we must remember this one fact: This committee and the Department of Justice have the primary responsibility to be concerned over the national security. Mr. Chambers has confessed. Mr. Chambers is in the open. Mr. Chambers is no longer a danger to the national security, but the men who furnished this information to Mr. Chambers have not been brought to justice.

They may not even be guilty of technical crimes due to the lapse of the statute of limitations, in which case the grand jury has no right whatever to hear their case, and in that case this committee has a solemn responsibility, despite the efforts of the administration to silence this committee and keep the facts from the people—and I say that, not because of any political implications, because this is bigger than politics—this committee has the responsibility to continue its investigation and to call every witness before it until we find who was responsible for bringing this information to Mr. Chambers, and to see whether or not those people are still engaged in that kind of activity.

Mr. RANKIN. Mr. Nixon, regardless of the statute of limitations, the American boys who were killed, who lost their lives as a result of this

treason are still dead, and America is still paying the penalty. It is a pity we haven't had the same action taken here that was taken by the British Government. We might not have had a Pearl Harbor.

Mr. NIXON. Mr. Rankin, I appreciate that remark, and I want to say this at this time—

Mr. RANKIN. I was going to say, regardless of what you think of Whittaker Chambers, the fact remains that we have these documents that were stolen, these secret, vital documents that were stolen out of the State Department at that time.

Mr. NIXON. Mr. Rankin, at this point, the point I wish to make clear is this: I realize that what I have just said will be interpreted in some quarters as politics, speech making, and it will have to be taken for what it is. But those are the cold, hard facts. That is why I am up here, and that is why I think the rest of the members of this committee are up here meeting night and day. I can assure you that during the times we are not meeting, we are working most of the night as well.

Now, in order to settle a couple of these collateral issues, so that those who have been so concerned with them that they have failed to keep their eyes on the ball as to who furnished this information and whether they are still at large furnishing this information, we have had some comments upon two of those collateral issues tonight from a second-hand source, Mr. Levine.

One of the collateral issues which seems to have caught the imagination of the press and the public, and rightfully so, is of course the matter of why didn't Mr. Chambers turn over this information? I say it is a collateral issue because the major issue is that now he has turned it over, and that as a result of that we have a responsibility to see who turned it over to him.

We have had second-hand information on that. We have had guessing in the press, some of it wrong, some of it right. I think that it is time tonight to settle that issue once and for all by the best source of all, and that is Mr. Chambers.

Mr. Chambers testified in New York City on Monday night. He was asked the specific question as to why he refused to turn over this information prior to this time, and I will say that he was cross-examined most closely by Mr. McDowell, Mr. Stripling, and myself, who were there along with other staff members at that time, on that very point.

And with the permission of the committee, I should like to read Mr. Chambers' statement as to why he did not turn over that information, and for the benefit of the members of the committee let me say this: There are no new names in this testimony. It is only the version of the man himself when he was pressed on that point, and I think since there has been so much information on it, it should go into the record at this point.

Mr. Chairman, may I have that permission?

Mr. HÉBERT. Are there any names?

Mr. NIXON. There are no names, Mr. Hébert, I assure you.

Mr. STRIPLING. Just a moment. There is one name mentioned.

Mr. NIXON. I will not use the name that is mentioned.

Mr. MUNDT. You may read it.

Mr. NIXON. I am reading from Mr. Chambers' testimony:

Every ex-Communist is faced at the moment of his break with the Communist Party by the question, "Shall I be an informer?" I faced this question very early, but I was reluctant to inform. In 1939, as is well known, I felt compelled by the war situation in Europe to act upon the knowledge I had, and I then went to Adolph Berle, then Assistant Secretary of State. I thought at that time an investigation would be pushed on the basis of the facts which I had told him, now that there were Communists in the Government and in the State Department.

I returned to New York after my conversation with Berle, believing that a full investigation would be pushed, that I would give all possible help to that investigation, and that the espionage angle would certainly be developed. I heard nothing more of the matter for at least 2 years.

After that lapse of time another very important factor in an ex-Communist mind began to have full play, and I sought in my testimony to do two things: My one purpose was to destroy the Communist conspiracy or to stop its activities. My other purpose was to do no more injury than necessary to the human elements involved.

Most of the men in the Communist underground apparatus were men of high type, some of them widely recognized for intelligence and ability. They had been my friends. I had been in their homes and knew their wives and children whose faces I could remember. Very important to an ex-Communist is the question of other Communists breaking with the Communist Party. Breaking with the Communist Party is not an easy matter. It takes strength of purpose, and it takes, above all, time for reversing the pattern of a lifetime and the consequences may be dire. Time is the essence of such a break, and I desired to give these people an opportunity to make their own break, damaged as little as possible by me.

Mr. Stripling then asked a question:

Have you had access to, or have you received any documents from the State Department since 1938?

Mr. CHAMBERS. No.

Mr. STRIPLING. Have you talked with anyone who had State Department documents in his possession that you were aware of since 1938?

Mr. CHAMBERS. No one, except the man—

and I delete the name—

who had secreted the documents I gave him.

Mr. RANKIN. Was that testimony under oath?

Mr. MUNDT. That is under oath; yes, sir.

Mr. NIXON. I say in this connection, Mr. Chairman, that there are, of course, additional sections of testimony on that point. It is one of the reasons why Mr. Chambers must be brought before the committee and be allowed to elaborate on that very important issue, although it is a collateral issue, as I have indicated. But I think a purpose has been served by bringing before the committee at this time (1) the reason that Mr. Chambers gave to the committee for failing to turn over the information; and (2) the fact that this information had been secreted since 1938, and had not been divulged since that time to any foreign power.

I also wish to comment upon that particular bit of testimony by Mr. Chambers and upon Mr. Levine's testimony to this effect: The indication is at the present time that Mr. Chambers will certainly be indicted for perjury. The indications are also that Mr. Chambers will be indicted for perjury probably before any of the other people involved in this particular conspiracy are indicted.

I wish to point out to the Department of Justice to proceed along that line, and I am making public this statement tonight, in the event this occurs, that they will thereby have probably destroyed their

only opportunity to obtain an indictment of the other individuals involved, because the star witness against the other individuals will have been an indicted and convicted perjurer.

I should also like to state in that connection that as Mr. Levine so well pointed out tonight, the only way, because of the strict organization of the Communist conspiracy in this country and other countries, that you can bring any Communist conspiracy to light, is through the testimony of a confessed Communist, and the way to give the greatest encouragement to the Communist conspiracy in this country is to stop this particular investigation by simply indicting the man who turned over the information to the committee and made it available to the country. I hold no brief for Mr. Chambers. I think Mr. Chambers should have told the entire story to the committee. I wish that he had done so. But those facts are gone.

We are faced with the hard fact now that is far more important than that, that the damage has been done, that the documents are here, that they were turned over, and that the people who turned them over are still at large.

Mr. Chairman, I am sorry to have taken the time of the committee.

Mr. LEVINE. Mr. Chairman.

Mr. MUNDT. Mr. Levine.

Mr. LEVINE. Allow me to say a few words.

As a former foreign correspondent and a student of foreign affairs, I think there is one aspect of the matter which should be stressed in connection with the statement of Representative Nixon, namely, the indictment of Chambers in the cold war being waged today will negate and nullify most of the money and propaganda which the Voice of America is spending abroad in defense of this country.

Outside of the United States, the proposed shocking indictment of Mr. Chambers will mean that we punish the people who help us in the fight against communism and we reward the people who are serving as Stalin's agents in our midst today.

I can imagine nothing more calamitous as a pre-Pearl Harbor move for the third world war, than this particular strategy in somebody's immature mind, if that be the case.

Mr. MUNDT. Mr. Hébert.

Mr. HÉBERT. Mr. Levine, I just have a few clarifying questions I would like to ask, just to make the record clear. I understood you to say that Mr. Chambers was in touch with approximately 10 percent of the Communist apparatus, and that that was a liberal estimate. I think you meant to say a conservative estimate?

Mr. LEVINE. A conservative estimate; I am sorry.

Mr. HÉBERT. I didn't want the record to stand that you said a liberal estimate.

Now, there is one other matter which I think should be directed to the attention of the committee that I think is most important, and which seems to have escaped or gotten lost in the general confusion, and that is, as I understand it, these documents we are discussing, the documents which the committee has the physical possession of. Those documents were never turned over to the enemy. I think I am correct on that.

Mr. RANKIN. We don't know.

Mr. HÉBERT. I know, but we know they were microfilmed. In other words, these are the documents after Chambers decided to break with the Communists. Now, he was a Communist functionary for some 2 years, according to his own admission, in Washington, so the direction of the committee at this time should be drawn to the fact that we are in possession of some two or three hundred documents or papers which are merely the tag end that never reached Russian hands.

Mr. MUNDT. We hope.

Mr. HÉBERT. We hope, but let us give them a break and the benefit of the doubt and say that these two or three hundred documents never reached the hands of the Russians. Yet, can we conceive how many more hundreds, or possibly thousands of documents reached the Russians through the hands of Chambers as a Communist functionary? We to this day don't know who the individual or individuals were in the Department of State who had access to those files, who gave them to Chambers who was merely the messenger boy carrying them from the traitor in the State Department to the enemy in the Kremlin in Russia.

I think that is one thing we have to keep in our minds, and just wonder how expansive and how far-fetched this whole proposition is, and direct attention also to the fact that this committee is not the Department of Justice, nor a detective agency. We are not charged with the responsibility of apprehending the criminal. We are charged with the responsibility of bringing to the attention of the proper authorities the fact that a crime has been committed. Then it becomes incumbent upon and the responsibility of the proper agency of the Government to apprehend that criminal when they know a crime has been committed and to prosecute him to the fullest extent of the law.

In that connection, let me say this: The committee needs no defense of itself. The committee's work stands for itself, Mr. Chairman. The fact, and the cold fact still remains that if it had not been for the activity of this committee with its errors of omission and commission which we all commit—but never an error of the heart or error of intent or purpose—if it had not been for the activities of this committee over a period of years, this country would not have been alerted to the danger of communism, nor would it have realized the infiltration of communism in this Government.

Finally, the fact still remains that if the committee had not given attention to Mr. Chambers and if Mr. Chambers had not appeared before this committee and given the limited or the conservative amount of testimony which he originally gave, had not named one Alger Hiss, Hiss would not have sued Chambers for libel, and if Hiss had not sued Chambers for libel, the documentary evidence would not be before the public today.

It all turns back to the fact that this committee insisted upon and gave attention to the fact, and now it is in the hands of the proper agents of this Government to prosecute to the fullest extent of the law, or else acknowledge their guilt and their dereliction.

Mr. RANKIN. Mr. Hébert, may I correct you on one thing? We did not get the originals of these documents. The originals probably went into the hands of the Russian agents. We merely got the microfilm of them that were taken at the time.

Mr. HÉBERT. Oh, Mr. Chairman, the originals are back, we hope. They are checking the State Department files now to ascertain that.

Mr. RANKIN. But the files they took out, we haven't even got the copies. We got the microfilm. But the copies that were stolen were turned over to Russian agents.

Mr. HÉBERT. But the mechanics of this, which I understand are well known already, that this traitor or traitors in the Department of State—how many there are, or whichever level they are—took from the files of the State Department these important documents—

Mr. RANKIN. And had them copied.

Mr. HÉBERT. Brought them to Chambers, who in turn had a Communist photographer photograph or microfilm these documents. Then the microfilm was given to the Russian agent to be dispatched to the Kremlin, and the documents themselves were returned to the State Department files.

Mr. RANKIN. That is not my understanding. My understanding is that they made these copies and turned the copies over to Mr. Chambers. Mr. Chambers had those copies microfilmed and the copies themselves were turned over to somebody else.

Mr. MUNDT. I will ask the chief investigator to correct me if I am wrong, but I think Mr. Hébert has described the mechanics of this operation exactly correct. The one thing that we do not know, of course, is whether the Communist photographer made an extra print to send with somebody direct.

Mr. HÉBERT. We don't know that.

Mr. MUNDT. We do not know that, but we know that the original documents were returned by this traitor, this smuggler, this thief, back to the State Department the next morning as he came back for a new batch of supplies. I think Mr. Hébert has described the device correctly.

Mr. NIXON. Mr. Chairman, Mr. Chambers so testified on Monday evening.

Mr. STRIPLING. Yes. The whole operation, Mr. Chairman, is a matter of record before the committee. All the details of how these documents were obtained, and according to the testimony of Mr. Chambers who he obtained them from, is a matter of record before the committee. The confirmation of certain material facts is what we are trying to determine now.

Mr. HÉBERT. And don't let us lose sight of the fact, and again to reiterate, that the main culprit, the main offender against the American people is not the messenger boy Chambers, but the trigger man in the State Department.

Mr. McDOWELL. Mr. Hébert, may I tell you that it was testified under oath last Monday night that the details of how these things were removed from the Department of State, where they were taken to, in what fashion they were taken, how they were photographed, how they got back the next day, is all in the record.

Mr. MUNDT. And that is in entire conformity with what Mr. Hébert just said?

Mr. McDOWELL. Exactly so.

Mr. STRIPLING. The possibilities which Mr. Rankin raised, however, are still open, Mr. Mundt.

Mr. MUNDT. The State Department is now checking that.

Mr. STRIPLING. Some were microfilmed and sent as microfilm. Some were copied and sent as copies, but it is still possible that extra copies were made, or that extra copies or prints of microfilm were made.

Mr. MUNDT. That is correct.

Mr. RANKIN. And it was testified that the man who was taking these documents from the files had his wife to copy them, and he took the originals back and turned the copies over to Mr. Chambers. Mr. Chambers had those copies microfilmed, but the copies have never been turned over to this committee.

In my opinion they were turned over to the Russian agents.

Mr. MUNDT. Mr. Hébert, any more questions?

Mr. McDOWELL. It should be remembered, Mr. Chairman, that Miss Bentley testified on various occasions that she sometimes took her material to New York in her lady's bag, and sometimes in her shopping bag, and sometimes it was quite a bundle. So all sorts of material went out.

Mr. MUNDT. Mr. Vail is next, but I want to add one thought to what Mr. Hébert has pointed out, that this committee has one additional function which I am sure he would have expressed, except that he was dealing with another point. In addition to the functions which we have, we also have the responsibility of determining what new legislation is necessary to make these espionage rings stop functioning, if they are still functioning, or to prevent them from starting all over again. This committee expects to recommend legislation to that end.

Mr. Vail.

Mr. VAIL. In your opinion, Mr. Levine, are there other potential informers whose services might at some future date become available to this committee, or some other governmental agency?

Mr. LEVINE. Yes. In my opinion, out of the 80,000 members, known and secret of the Communist Party of the United States, about 1 percent are operators for the Soviet secret service. That is roughly about 800. I should say that it would take an almost superhuman and concentrated effort to unearth most of the cells and to disclose most of the operations.

Mr. VAIL. Do you believe that that element is watching the operation of the grand jury investigation closely in New York at this time?

Mr. LEVINE. Not only in New York—right here in Washington, too.

Mr. RANKIN. What was that question, Mr. Vail?

Mr. VAIL. I inquired as to whether or not that element is watching carefully the progress of the grand jury investigation in New York.

Mr. MUNDT. And you heard the answer?

Mr. RANKIN. Yes.

Mr. MUNDT. Go ahead, sir.

Mr. LEVINE. Yes, sir.

Mr. VAIL. In the event of the indictment, subsequent conviction and imprisonment of Chambers, what effect, in your opinion will that have on the possibility of obtaining information from such sources, at any future date?

Mr. LEVINE. I think it will make espionage safe. It will be a postwar bonus to Stalin which he never expected, and which he will greatly appreciate. I think it will speed up the process of putrefying this country from within, which Stalin is tremendously interested in.

If you will recall, sir, he told General Krivitsky in 1937 in a midnight session in the Kremlin, describing France, with a shrug of the shoulders, "Well, France, a putrid corpse." And he was right, because

he knew how many people he had within the government and within industry and the national organism of France, better even than Krivitsky did.

Well, when a despot like Stalin can command such people as we have discovered, good, native Americans of the best families—and Canadians, go back to the record of the Canadian Royal Commission—of the best education, and if he can command them not by the dozen, and not by the score, but by the hundreds in key positions, maybe tomorrow, if we proceed with such indictments he will say of America, “Well, just another putrid corpse ready to fall at the first blow of the war.”

Mr. VAIL. At this time I would like to introduce into the record of this hearing a transcript of the testimony in the hearing held in New York last Monday night.

A question by Mr. Stripling to Mr. Chambers [reading]:

When did you leave these documents with Levine?

Mr. CHAMBERS. —

Mr. STRIPLING. Mr. Vail, to make the record straight, that is not this Mr. Levine that is being referred to.

Mr. McDOWELL. It was Mr. Nathan Levine.

Mr. VAIL (reading):

As I have already said, I left the documents with him some time in 1938, presumably shortly after I broke with the Communist Party.

Mr. STRIPLING. What did you tell him about them?

Mr. CHAMBERS. I asked him to hide them for me and not to tell anyone where I hid them, but if anything should happen to me, meaning, if I should be killed, to turn them over to my wife, or to make them public in some way.

That is all.

Mr. MUNDT. Is that all, Mr. Vail?

Mr. VAIL. Yes, sir.

Mr. STRIPLING. I do not have the record before me, but I believe the name is Levin, L-e-v-i-n.

Mr. VAIL. In the record it is L-e-v-i-n-e.

Mr. MUNDT. That can be checked and corrected.

Mr. STRIPLING. We have the full name.

Mr. McDOWELL. Well, there is no connection between the two men; that has been thoroughly established.

Mr. MUNDT. Any similarity between the names is just a coincidence.

Mr. McDOWELL. It happened in Brooklyn.

Mr. MUNDT. Mr. Levine, before you conclude, I would like to announce that we would like to meet with you briefly in the committee room in executive session. You have been very helpful and very stimulating.

One thing that strikes me, as we conclude this hearing, is the fact that the Department of Justice has had access to this information for 10 years, as has been brought out by committee member after committee member. Not until this committee of Congress disclosed the documentary evidence has any activity been taken in the direction of ascertaining and punishing the evildoers.

I would like to add as one who has listened somewhat monotonously to the repetition of a phrase rather recently, that this is a “do-nothing” Congress, that from the standpoint of punishing and disclosing espionage in America, we certainly have had a “do-nothing” administration.

We will stand adjourned——

Mr. RANKIN. Wait just a minute, I want to say this, now.

Regardless of what they do to Chambers, the fact still remains that we have these stolen documents, and all the prosecution of Chambers can't change that fact.

Mr. MUNDT. We will be in executive session immediately in the committee room.

(Whereupon, at 10 p. m., the committee adjourned to reconvene in executive session.)

HEARINGS REGARDING COMMUNIST ESPIONAGE IN THE UNITED STATES GOVERNMENT—PART TWO

THURSDAY, DECEMBER 9, 1948

UNITED STATES HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

The subcommittee met, pursuant to call, at 11:30 a. m., in the caucus room, Old House Office Building, Hon. Karl E. Mundt (acting chairman) presiding.

Committee members present: Representatives Karl E. Mundt (presiding), John McDowell, Richard M. Nixon, Richard B. Vail, John E. Rankin, and F. Edward Hébert.

Staff members present: Louis J. Russell, William A. Wheeler, and Courtney Owens, investigators; Benjamin Mandel, director of research; and A. S. Poore, editor.

Mr. MUNDT. The committee will come to order.

The Chair would like to say that the committee has been in executive session. The roll has been called, and 100 percent of the membership of the subcommittee is present. We are in the process of interrogating the witness on the stand who has been sworn, and I will ask Mr. Russell to start with the interrogation of the witness afresh.

Mr. RUSSELL. Mr. Chairman, will you swear the witness again, since this is an open session?

Mr. MUNDT. Stand and be sworn, Mr. Wadleigh.

Do you solemnly swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WADLEIGH. I do.

Mr. MUNDT. You may be seated.

TESTIMONY OF HENRY J. WADLEIGH

Mr. RUSSELL. Mr. Wadleigh, will you state your full name?

Mr. WADLEIGH. Henry Julian Wadleigh.

Mr. RUSSELL. When and where were you born, Mr. Wadleigh?

Mr. WADLEIGH. Greenfield, Mass., February 4, 1904.

Mr. RUSSELL. What is your present address?

Mr. WADLEIGH. Route 3, Vienna, Va.

Mr. RUSSELL. Are you employed at the present time?

Mr. WADLEIGH. No.

Mr. RUSSELL. Will you furnish the committee in chronological order, insofar as possible, a record of your past employment, both with the Federal Government and other agencies?

Mr. WADLEIGH. In 1930 I was employed by the Federal Farm Board. In 1932 I was transferred to the Department of Agriculture. In 1936 I was transferred to the State Department. In 1943 I was transferred to FEA. In 1944 I was transferred to the Department of Agriculture. In 1946 I resigned from the Department of Agriculture and was appointed to a position in UNRRA.

After the termination of the work in UNRRA, I was employed for a time by the Italian Government as an economist.

Mr. RUSSELL. Would you furnish the committee with a résumé of your educational background?

Mr. WADLEIGH. I was educated mainly in Europe. I went to the College of Oxford; I went to the London School of Economics and on returning to the United States, I had 1 year's graduate work in the University of Chicago.

Mr. RUSSELL. While you were employed by the State Department, in what divisions were you an economist?

Mr. WADLEIGH. I was in the Division of Trade Agreements from 1936, until the war in Europe broke out. Then I was employed in the office of one of the special assistants to the Secretary of State. In 1943, I was sent abroad on a State Department mission to Italy.

Mr. RUSSELL. Who were your immediate superiors while you were employed in the State Department?

Mr. WADLEIGH. Henry Grady in the Trade Agreements Division, then Harry Hawkins, then Leo Pasvolsky, special assistant to the Secretary of State, and in Italy, Henry Grady.

Mr. RUSSELL. Who were the Under Secretaries or Assistant Secretaries of the Department of State in the various divisions in which you were employed?

Mr. WADLEIGH. Mr. Sayre was Assistant Secretary in charge of the Trade Agreements Division when I first was employed there. Mr. Acheson later took Mr. Sayre's place.

When I worked with Mr. Pasvolsky there was no Assistant Secretary in charge of the office in which I worked.

Mr. RUSSELL. While you were employed by the United States Government, did you ever become acquainted with one Whittaker Chambers?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate or degrade me.

Mr. RUSSELL. Have you read the newspapers stories regarding certain testimony which Whittaker Chambers gave before this committee at various times?

Mr. WADLEIGH. I read the newspapers and I naturally have seen some of those stories.

Mr. RUSSELL. As a result of the testimony which Whittaker Chambers gave before this committee, and the subsequent printing in the newspapers, did you acquire any animosity against Mr. Chambers?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. RUSSELL. Mr. Wadleigh, I show you a photograph and ask you if you can identify the likeness which appears thereon.

Mr. WADLEIGH. I refuse to answer that question on the ground that it might incriminate me.

Mr. RUSSELL. Mr. Chairman, I would like for the record to show that this is a photograph of Whittaker Chambers.

Mr. Wadleigh, while you were employed by the Department of State, or by the United States Government, did you become acquainted with one Alger Hiss?

Mr. WADLEIGH. I refuse to answer that question on the ground that it might incriminate me—that the answer might incriminate me.

Mr. RUSSELL. Mr. Wadleigh, while you were employed by the Department of State, did you have access to restricted information?

Mr. WADLEIGH. Some kinds only.

Mr. MUNDT. Did you say "some kinds" or "sometimes"?

Mr. WADLEIGH. Some kinds. There are many different kinds of restricted information.

Mr. RUSSELL. Mr. Wadleigh, I show you a document which has been identified by the State Department as being a restricted document, or a top-secret document, which is dated January 8, 1938, and which is signed by Harry C. Hawkins, and ask you if you have ever seen this document.

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. RUSSELL. The Mr. Hawkins who signed that document was one of your superiors in the State Department, was he not?

Mr. WADLEIGH. That is a matter of public record.

Mr. RUSSELL. Mr. Wadleigh, while you were employed by the Department of State, did you ever furnish restricted documents or restricted confidential information to any individual, either within the State Department or who was not employed by the State Department?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. RUSSELL. While you were employed by the State Department, did any individual ever identify himself to you as a Soviet agent, or an agent of the Soviet Government?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. RUSSELL. Did you ever turn over to any unauthorized person while you were employed by the State Department any restricted information whatsoever?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. MUNDT. The Chair would like to ask the witness a question at that point.

Do you realize, Mr. Wadleigh, that you are in a position to answer the questions asked you in the negative, that your answer might tend to refute the charges made against you?

Mr. WADLEIGH. I beg your pardon, I didn't understand that question.

Mr. MUNDT. Do you realize that you are in a position to answer under oath in the negative the questions asked you, that your reply might tend to refute the charges made against you, instead of to incriminate you?

Mr. WADLEIGH. It might.

Mr. MUNDT. You realize that?

Very well, proceed, Mr. Russell.

Mr. RUSSELL. While you were employed by the State Department, did you ever turn over any documents of a restricted nature to Whitaker Chambers?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. RUSSELL. While you were employed by the State Department, did you ever turn over any documents to Alger Hiss, either directly or indirectly, whether personally, or through any other person?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. RUSSELL. Have you ever known an individual who used the name "Carl" and no other name?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. RUSSELL. Do you know George Crosley, or anyone by that name.

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. RANKIN. The answer could not incriminate you unless you are guilty of a crime, could it, Mr. Wadleigh?

Mr. WADLEIGH. I am not an expert in the law, sir.

Mr. RANKIN. I am, and I will say to you that unless you are guilty of a crime your answer to those questions could not incriminate you.

Mr. MUNDT. Mr. Russell.

Mr. RUSSELL. Mr. Wadleigh, you have consulted an attorney, have you not?

Mr. WADLEIGH. I have consulted an attorney, but I am not now represented by one.

Mr. RUSSELL. Do you desire counsel?

Mr. WADLEIGH. I would have preferred to come here with counsel.

Mr. MUNDT. Why couldn't you bring counsel with you?

Mr. WADLEIGH. In consultation with my attorney this morning it was mutually agreed that he would no longer represent me.

Mr. MUNDT. What was the name of that attorney?

Mr. WADLEIGH. Herman Greenberg.

Mr. MUNDT. Of what firm?

Mr. WADLEIGH. Greenberg——

Mr. RUSSELL. Forer and Rein.

Mr. WADLEIGH. Forer and Rein, that is correct.

Mr. MUNDT. The Chair has a question of our committee counsel at this stage. Has Mr. Greenberg, or any member of his firm, the firm of Greenberg, Forer, and Rein, appeared before a committee previously to testify or support the testimony of a witness?

Mr. RUSSELL. They have.

Mr. MUNDT. Who?

Mr. RUSSELL. Gerhart Eisler and numerous subjects who were mentioned during the course of the Bentley hearings.

Mr. MUNDT. The same firm has represented those witnesses as the one consulted by Mr. Wadleigh?

Mr. RUSSELL. That is true.

Mr. MUNDT. Proceed with your questioning.

Mr. RANKIN. Now, Mr. Chairman, I think the record ought to show at this point that those witnesses you referred to who were found to be members of the Communist Party.

Mr. MUNDT. That is correct.

Go ahead, Mr. Russell.

Mr. RUSSELL. Mr. Wadleigh, are you now, or have you ever been, a member of the Communist Party of the United States?

Mr. WADLEIGH. No, sir.

Mr. RUSSELL. Have you ever filed application to become a member of the Communist Party of the United States?

Mr. WADLEIGH. No, sir.

Mr. RUSSELL. Have you ever been a member of the Communist Party of any other country?

Mr. WADLEIGH. No, sir.

Mr. RUSSELL. Did you ever file application to become a member of the Communist Party of any other country?

Mr. WADLEIGH. No, sir.

Mr. RUSSELL. Mr. Wadleigh, have you ever acted as an informant for any agencies of the Federal Government?

Mr. WADLEIGH. I have been interrogated by the FBI.

Mr. RUSSELL. Did you cooperate with that organization?

Mr. WADLEIGH. I tried to, to the best of my ability.

Mr. RUSSELL. Mr. Wadleigh, a serious charge has been made against you, and I ask at this time that Mr. Wadleigh be made acquainted with the nature of that charge.

Mr. MUNDT. The Chair will ask Mr. Nixon to read into the record at this time the charges which have been made against Mr. Wadleigh on sworn testimony before our committee.

Mr. NIXON. I shall read from the record of a meeting of a subcommittee of this committee, which heard Mr. Chambers on Monday of this week in New York City, consisting of Mr. McDowell as chairman and myself as a member. The question was by Mr. Nixon [reading]:

Mr. Chambers, I hand you herewith photographic copies of documents made from the microfilm which you submitted to the committee in response to a subpoena the committee served upon you.

Mr. CHAMBERS. Yes, sir.

and then in parentheses:

(Mr. Chambers examined the document.)

The documents you are now examining are all documents from the State Department, they bear the stamp "State Department, Assistant Secretary of State."

Mr. CHAMBERS. Yes. I should think from the nature of these documents which I have examined they were turned over to me by Alger Hiss, and I should make the point right here, perhaps, that the same procedure that I have described above in the case of other photographers was also followed by Alger Hiss, in addition to the typed documents. There was, however, another active source in the State Department, Mr. Julian Wadleigh, who was in the Trade Agreements Division of the State Department and it is possible some of these documents were from him.

Mr. NIXON. Was this a source of contact?

Mr. CHAMBERS. Yes.

Additional testimony in regard to Mr. Wadleigh:

Mr. STRIPLING. In addition to the individuals I have named, what individuals in the Government did turn over documents to you?

Mr. CHAMBERS. Julian Wadleigh.

and further on in the testimony:

Mr. STRIPLING. When you spoke to Adolph Berle, did you mention Julian Wadleigh?

Mr. CHAMBERS. Yes.

Now, Mr. Wadleigh, as you can of course appreciate the testimony which Mr. Chambers has given involves quite serious charges. The document which Mr. Russell showed to you and requested you to identify was one of the documents which was found to be on microfilm which Mr. Chambers had in his possession. The microfilm was an original copy of the documents which were taken from State Department files in an unauthorized manner, and turned over to Mr. Chambers.

Now, in view of that, and in view of your apparent desire to cooperate with the investigative agencies of the Government in unraveling this case, I wonder if you would now again look at the document which Mr. Russell presented to you [handing document to the witness].

MR. WADLEIGH. I look at this document again at the committee's request. I am not prepared to change my testimony. I might suggest, however, that you inquire of the State Department as to whether this particular document was shown to me. I don't know whether they will be able to answer that question or not, but you might care to ask them, whether I had access to this document.

MR. MUNDT. You said you are now prepared to change your testimony, but you didn't indicate what the change was going to be.

MR. WADLEIGH. No; I didn't.

MR. MUNDT. Did you say you are not prepared to change it?

MR. WADLEIGH. I am not prepared to change it.

MR. MUNDT. I am sorry; I misunderstood you, sir.

MR. WADLEIGH. I am not prepared to change it.

MR. MUNDT. All right; you are not prepared to change your testimony.

MR. RUSSELL. Mr. Wadleigh, the remaining portion of the document to which the first document refers is 16 pages long.

MR. WADLEIGH. Is that so?

MR. RUSSELL. I wonder whether you could glance through this and tell whether or not you had ever seen such a document.

MR. WADLEIGH. If the committee insists I will glance through the remaining 16 pages, but I do so only at the committee's insistence. Is this the same document?

MR. RUSSELL. This document pertains to that document as well.

MR. WADLEIGH. It is a different document?

MR. RUSSELL. That is right.

(Witness examines document.)

MR. RUSSELL. Would you state whether or not you have ever seen that document in State Department files or elsewhere?

MR. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

MR. NIXON. Mr. Wadleigh, will you state for the record that you did not turn over that document, or any other document to Mr. Chambers?

MR. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

MR. RUSSELL. Mr. Wadleigh, you studied in Germany, did you not?

MR. WADLEIGH. I studied in Germany in 1929.

MR. RUSSELL. Do you speak German?

MR. WADLEIGH. That was 3 years, 3 or 4 years before the Nazis came into power.

MR. RUSSELL. Do you speak German?

Mr. WADLEIGH. My German is not very good.

Mr. RUSSELL. Can you write it?

Mr. WADLEIGH. Not good German.

Mr. RUSSELL. Did you ever write any documents in German or have them written in the German language while you were employed in the State Department?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. RUSSELL. Did you ever translate any documents into the German language while employed in the State Department?

Mr. WADLEIGH. Translating was not part of my duties.

Mr. MUNDT. You have not answered the question. The Chair wants the question either answered specifically or evaded specifically.

Mr. WADLEIGH. I have no recollection of having translated any documents into German. In fact, my German is not good enough.

Mr. MUNDT. Thank you.

Mr. NIXON. Mr. Wadleigh, did you indicate that Mr. Hawkins was your Chief in the Trade Agreements Division?

Mr. WADLEIGH. I don't remember whether I indicated that, but it is a matter of public record that he was.

Mr. NIXON. Your answer is that he was?

Mr. WADLEIGH. That is correct.

Mr. NIXON. Do you know Mr. Hawkins?

Mr. WADLEIGH. Yes, sir.

Mr. NIXON. In other words, you are not refusing to answer the question as to whether you know Mr. Hawkins on the ground that it would incriminate you?

Mr. WADLEIGH. Mr. Hawkins was my immediate superior for several years.

Mr. NIXON. Mr. Hiss was in the State Department at the same time you were, was he not?

Mr. WADLEIGH. I believe that is a matter of public record when Mr. Hiss was in the State Department. I am prepared to answer the questions as to when I was in the State Department, and who were my superiors.

Mr. NIXON. But in the case of Mr. Hiss, you say you refuse to answer on the ground that it would incriminate you?

Mr. WADLEIGH. Yes, sir.

Mr. NIXON. Mr. Wadleigh, there is a rather serious implication involved in your answers which I think you should be apprised of before you give additional answers of this type, and that is this: The answer, "I must refuse to answer on the ground that I would incriminate myself," you were instructed before we went into public session, can only be given, and a constitutional privilege used, where a crime would be involved in the event that the answer were given either in the negative, in the affirmative, or otherwise.

Now, in this case, the crime that is charged, or the offense which has been charged by Mr. Chambers, as of course is indicative from this testimony to us, was that you, in 1938 and 1937 turned over to him at the time that he was a Soviet espionage agent, confidential Government information.

I should like to point out that that alleged offense, if committed then, and not repeated after that time, would now be outlawed by the

statute of limitations, and if you were to go on the stand and admit to that, that you did turn over that information, you could not possibly incriminate yourself.

Now, by your refusing to answer the questions as to whether you know Mr. Chambers and whether you turned over the documents on the ground of self-incrimination, the only implication which can be drawn from your answer is that this alleged course of conduct continued after 1938, and through 1939, because only in that case could you be guilty of self-incrimination.

I now ask you, in the light of this analysis, and this is not a legal analysis, I might say, it is something which any layman can understand—in the light of this analysis, did you, in 1939, turn over any confidential information to an unauthorized person?

Mr. WADLEIGH. In answer to that question, I would like to point out that in consultation with attorneys whom I hurriedly consulted when I received a subpoena to appear before the grand jury, I was informed that this matter of the statute of limitations is not ironclad; that there may be loopholes, and they did not have time to investigate it, but they felt that it could not be relied upon.

Mr. NIXON. The loophole they were referring to, Mr. Wadleigh, was the one that I just gave to you, and that is that the conspiracy—

Mr. WADLEIGH. No, sir; it is not.

Mr. NIXON. Just a moment; that is, that the conspiracy continued beyond 1938. Now, if the conspiracy did not continue beyond 1938, I think in all fairness to yourself you should so indicate to the committee.

Mr. WADLEIGH. It was not my understanding that that was the loophole.

Mr. NIXON. Well, can we gather, then, from your testimony here today that there is a possibility, as far as you were concerned, you had no part in such a conspiracy after 1938?

Mr. WADLEIGH. If I were to answer that question in the affirmative, I would be implying that I did take part in a conspiracy prior to 1938. I am making no such admission.

Mr. NIXON. Well, did you take part in such a conspiracy prior to 1938?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. MUXDR. Just what kind of admission do you think that is going to be considered by the American public?

Mr. WADLEIGH. I will not speculate on what interpretations, false or otherwise, might be placed upon my statements. I let the statements stand.

Mr. MUXDR. Very well.

Mr. NIXON. Mr. Russell, would you kindly show the witness this document [handing document to the witness]?

Mr. Wadleigh, if you will examine that document which is handwritten, would you indicate to the committee whether or not that is in your handwriting?

Mr. WADLEIGH. May I ask first, what is the date of that document?

Mr. RANKIN. That has nothing to do with it.

Mr. MUXDR. Answer the question first, then you may ask additional questions.

Mr. WADLEIGH. I don't recognize it as my handwriting, but it is about the size of my handwriting, but I don't think that—

Mr. NIXON. Mr. Witness—

Mr. WADLEIGH. It doesn't look to me like my handwriting.

Mr. NIXON. Mr. Wadleigh, it would be of assistance to the committee if you would at this time possibly give us a handwriting specimen. Obviously we can get one from some other source.

Mr. WADLEIGH. You certainly can.

Mr. NIXON. Would you kindly do that? That would be the best evidence in this case, since you are not sure whether it is or is not.

Mr. WADLEIGH. I would like to have an opportunity, if I may, to examine that at some time when it would be easier for me.

Mr. NIXON. You certainly may have. We are simply attempting to get at the bottom of this.

Mr. RANKIN. If he is going to come here and refuse to answer questions, the committee owes him no obligation to help him find storm cellars.

Mr. MUNDT. Mr. Rankin, just a moment.

Mr. WADLEIGH. Well, in view of the fact that I am uncertain—let me eliminate those words. I take that back.

Mr. MUNDT. Each member of the committee speaks for himself, and none speaks for the majority. No decisions have been made, so you may proceed to answer.

Mr. WADLEIGH. Yes. I would like, if I may, to take back everything I said about that document, and simply say that I refuse to answer the question on the ground that the answer might incriminate me. But I will be glad to supply the committee with a specimen of my handwriting.

Mr. MUNDT. You will give the committee a specimen of your handwriting?

Mr. WADLEIGH. Yes, sir.

Mr. MUNDT. You may proceed with that.

Mr. NIXON. If you will give us five signatures, Mr. Wadleigh, it will assist us.

Mr. WADLEIGH. Then this specimen is not what you wish?

Mr. RUSSELL. No.

Mr. WADLEIGH. Mr. Chairman, may I make a statement on this document?

Mr. MUNDT. May I ask, have you finished writing?

Mr. WADLEIGH. Well, I would like to make this statement: That since I have been led to depart from my previous intention, on advice of counsel, of refusing to answer questions of this nature, I wish now to say that I have not seen that document. I have never seen it and I did not write it. It was not my intention to give any such answers but since I have been led to discuss the document I will make an exception in this one case.

Mr. MUNDT. May the Chair say that in all events you have supplied a specimen of your handwriting and a handwriting expert can determine that very definitely, so they will be able to support your position in that, if it is correct.

Mr. WADLEIGH. That I believe to be so.

Mr. MUNDT. As the Chair asked, has he supplied the handwriting specimen?

Mr. RUSSELL. No. I wanted to make sure this was the document which he says he did not write.

Mr. MUNDT. I see. Very well.

Mr. RUSSELL. You are not referring to the previous documents which we showed you?

Mr. WADLEIGH. No; I was not referring to those documents.

Mr. MUNDT. You are referring to the document, as the Chair takes it, which you have just written in your own handwriting after having the contents dictated by Mr. Russell, our counsel, is that correct?

Mr. WADLEIGH. I haven't finished this. Do you want me to finish it?

Mr. MUNDT. All right, finish it up and then sign your name at the bottom.

Mr. WADLEIGH. Might I give it to the committee after the hearing is terminated? It is a little difficult.

Mr. MUNDT. We would like to have you finish it now and have the matter disposed of.

Mr. WADLEIGH. You want to have me finish it now?

Mr. MUNDT. Yes; go right ahead.

Mr. WADLEIGH. Yes; all right.

Mr. MUNDT. Will you put five signatures of your name on there?

Mr. WADLEIGH. Yes, sir.

Mr. MUNDT. All right, Mr. Russell, you may proceed with your questions. Have you further questions?

Mr. RUSSELL. One further question.

Mr. MUNDT. Proceed.

Mr. RUSSELL. Have you ever been a member of an organized group whose purpose was to furnish information to a foreign power?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. RUSSELL. That is all the questions I have, Mr. Chairman.

Mr. MUNDT. Mr. Wadleigh, the Chair would like to refer for a moment to the statement you made earlier that in consultation this morning with Mr. Greenberg it was mutually agreed that he would not represent you at these hearings. I think I have quoted you correctly, have I not?

Mr. WADLEIGH. That is correct.

Mr. MUNDT. I would like to ask you whether you were contacted by any third party, any third party at all, suggesting to you that you terminate your connections with Mr. Greenberg in connection with this case?

Mr. WADLEIGH. Nobody made any such suggestion to me.

Mr. MUNDT. Was the termination of your consultation with Mr. Greenberg as a result of your suggestion or his?

Mr. WADLEIGH. That is a matter which developed in discussions between counsel and client, sir.

Mr. MUNDT. You do not care to inform the committee?

Mr. WADLEIGH. I understand that it is my right not to divulge what took place in such consultations.

Mr. MUNDT. You do not have to, I am simply asking you whether you cared to give that information to the committee, or not. You are not required to do so.

Mr. WADLEIGH. I would prefer not to do so without consulting Mr. Greenberg first.

Mr. MUNDT. Did you terminate your employment with the Government at your request or at the request of the Government?

Mr. WADLEIGH. You mean the United States Government?

Mr. MUNDT. That is correct.

Mr. WADLEIGH. At my request. I would like to amplify that.

Mr. MUNDT. I think you testified earlier that you also terminated your employment with the Italian Government on December 7, of this week and that that was at your request?

Mr. WADLEIGH. At my request.

Mr. MUNDT. Did you want to amplify your statement?

Mr. WADLEIGH. I just wanted to say that my reason for terminating my employment with the United States Government was that I received an offer for a position with UNRRA.

Mr. MUNDT. Who made that offer to you?

Mr. WADLEIGH. My superior in UNRRA was Mr. Cairns and naturally when you receive an offer of employment you receive it from the person who is going to be your immediate superior.

Mr. MUNDT. That came from Mr. Cairns?

Mr. WADLEIGH. Cairns.

Mr. MUNDT. Will you spell it, please, and identify him for us?

Mr. WADLEIGH. C-a-i-r-n-s.

Mr. MUNDT. All right, Mr. McDowell.

Mr. McDOWELL. Not at this moment.

Mr. MUNDT. Mr. Rankin.

Mr. RANKIN. Mr. Wadleigh, have you any military record?

Mr. WADLEIGH. No, sir.

Mr. RANKIN. You were not in this war at all?

Mr. WADLEIGH. I was in the theater of war in a civilian suit, sir.

Mr. RANKIN. I see, that is all right. What time did you quit the State Department?

Mr. WADLEIGH. I was transferred from the State Department to FEA as the result of a merger—well, I was transferred to FEA. I do not need to go into the details unless you insist upon it. That was in 1943.

Mr. RANKIN. 1943?

Mr. WADLEIGH. Yes, sir.

Mr. RANKIN. That was 2 years after Pearl Harbor. You refused to answer whether or not you were turning over secret documents to foreign agents during that time, on the ground that your answer might incriminate you. That is right, isn't it?

Mr. WADLEIGH. That's right.

Mr. RANKIN. If your answer was "No," if you were not turning over these documents at the time our boys were dying by the thousands on every battlefield in the world, your answer would be "No."

Mr. WADLEIGH. My answer to that question is on advice of counsel, sir.

Mr. RANKIN. I understand. It is about time that the Government took some steps to disbar some counsel. We have had this interference before.

In other words, if you were not guilty of giving out these secret documents during those trying and dangerous times, your answer would be "No." Now, the only thing that could happen to you if

you answered "No" now would be that if you were handing those documents out you could be convicted of perjury; that is right, isn't it?

Mr. WADLEIGH. I was advised by counsel not to answer any questions in regard to such matters, irrespective of the date. If I start discriminating as to dates then that will get me involved in the same fix that I got involved in over the handwriting.

Mr. RANKIN. It might get you involved in more than that, if you told us the truth. A man of your age sporting around Europe in civilian clothes certainly ought not to object to telling us whether or not he was giving out secret documents that were aiding our enemies and killing American boys during those terrible years. That's all I have to say.

Mr. MUNDT. Mr. Nixon.

Mr. NIXON. Mr. Wadleigh, when you were with the Division of Trade Agreements were you there as an economist?

Mr. WADLEIGH. Yes, sir.

Mr. NIXON. Just briefly, what were your functions as an economist in that Division?

Mr. WADLEIGH. I was engaged in work connected with the negotiation of trade agreements between the United States and foreign countries.

Mr. NIXON. Which specific foreign countries would you say that the greater volume of your work was with during that period?

Mr. WADLEIGH. Turkey, France, Belgium. May I say in explanation there that in referring to France and Belgium I am not referring to the first agreement with France or the first agreement with Belgium. I had not participated directly in that.

There was work being done just before the war broke out in Europe on a new agreement with France and on a new agreement with Belgium. That work was interrupted.

Another part of my functions which you may be interested in was general work on quotas and exchange controls in their bearing on United States trade agreements.

Mr. NIXON. When you were the UNRRA would you briefly describe what your specific functions were? You were with UNRRA in the United States, I understand.

Mr. WADLEIGH. That is correct. I worked mainly on evaluating the requirements of those countries which received food from UNRRA.

Mr. NIXON. Which specific countries did you work on at that time, Mr. Wadleigh?

Mr. WADLEIGH. All of them.

Mr. NIXON. All of the countries which—

Mr. WADLEIGH. All of the countries that received food from UNRRA.

Mr. NIXON. You did not spend more or less time on one country than another? I think we all realize that the functions within a department are—

Mr. WADLEIGH. My functions were not limited geographically.

Mr. NIXON. You mean, in other words, you spent a relatively equal amount of time on all the countries?

Mr. WADLEIGH. That is correct.

Mr. NIXON. Your mission to Italy was for the State Department; is that the case?

Mr. WADLEIGH. That is correct, although the mission itself was transferred to FEA during the course of the time that I was over in Italy.

Mr. NIXON. Would you describe briefly the purpose of that mission and your function?

Mr. WADLEIGH. The purpose of the mission was to advise the—well, no, I beg your pardon. I started out on the wrong track here. The mission was a part of the Allied Control Commission which was administering liberated Italian territory.

Mr. NIXON. Mr. Hiss was never there working with you in the same department in the State Department; is that the case?

Mr. WADLEIGH. Mr. Hiss, I understand, was in the—well, I knew it at the time also—was in Mr. Sayre's office. He was not in the Trade Agreements Division.

Mr. NIXON. Did you indicate in executive session you were in some way, as I thought, attached to Mr. Sayre's office as well?

Mr. WADLEIGH. No.

Mr. NIXON. You brought his name in in some connection; do you recall what it was?

Mr. WADLEIGH. Yes; simply in this connection, that the Trade Agreements Division was under the general supervision of Mr. Sayre but it was not a part of his office.

Mr. NIXON. I see.

Mr. WADLEIGH. That is, at the time when I entered it had previously been a part of his office, but I entered the State Department in March 1936. At that time the Trade Agreements Division was a division subject to the general supervision of Mr. Sayre but was not a part of his office.

Mr. NIXON. Did you have any negotiations with Mr. Sayre's office at all?

Mr. WADLEIGH. I occasionally sat in his office on conferences, not very often. I wasn't highly enough placed to be there very frequently.

Mr. NIXON. Mr. Hiss was his assistant. Did Mr. Hiss sit in on those conferences as well?

Mr. WADLEIGH. I don't recall at this time who sat in on any particular conferences that took place more than 10 years ago.

Mr. NIXON. I understand, but I am just asking if Mr. Hiss sat in on any conferences.

Mr. WADLEIGH. He might have.

Mr. NIXON. Do you know Mr. Hiss, then?

Mr. WADLEIGH. I saw Mr. Hiss during the course of my work in the State Department.

Mr. NIXON. Did you ever turn over any documents to Mr. Hiss from the trade-agreements department in which you were employed?

Mr. WADLEIGH. I have no such recollection.

Mr. NIXON. Your testimony is that you do not recall having done so?

Mr. WADLEIGH. Well, the nature of my duties was such that I might easily have taken something to him in the course of my official duties. I do not recall any specific occasion on which I did so.

Mr. NIXON. Have you been in Mr. and Mrs. Hiss' home?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. NIXON. Do you know Mrs. Hiss?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. NIXON. Do you know Donald Hiss?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. NIXON. I have no further questions.

Mr. MUNDT. Mr. Hébert.

Mr. HÉBERT. Mr. Wadleigh, I want to make my position very clear and give you another opportunity that I attempted to give you in executive session. My position, I think, is well known on this committee that I object to any public hearings being held until a man has had an opportunity in executive session to demonstrate his desire to cooperate. Also, we should attempt in executive session to give them an opportunity to prove to this committee that he is innocent of the charges brought against him.

In other words, my position is this—and I maintained it throughout—that I object to any individual's name being mentioned in public until that individual has the opportunity to protect himself and to deny the charges before this committee in executive session, at which time the committee can then determine whether it wants to make it public, or not.

Yours is one of the most outstanding cases of that procedure, so far as I am concerned. Your name up to this moment has been protected and not released by this committee in any manner, shape, or form. You appeared before the committee this morning and were given every opportunity to cooperate and deny each charge. You refused to cooperate. You refused not only to cooperate in giving us the information, but you refused the opportunity of making a flat denial of the charges that were made against you. I immediately consented with the rest of the committee to have it in public, then it could be right out in the open after you had been given an opportunity.

Now you say you consulted counsel—and I am trying to be as fair to you as I can—and you are answering some of these questions on advice of counsel, refusing to answer on the grounds that it might incriminate or degrade you: is that correct?

Mr. WADLEIGH. That is correct. I was advised by counsel not to answer any question which might have any connection, however remote, with the accusations that have been made against me by Mr. Chambers.

Mr. HÉBERT. And that is the sole reason that you are standing on those constitutional rights?

Mr. WADLEIGH. I was advised so to do by counsel. I am not an expert in the law myself, and I thought it in my interest to follow the advice of counsel.

Mr. HÉBERT. If you were left on your own you would freely admit or discuss these matters?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. HÉBERT. I am giving you every opportunity, Mr. Wadleigh. You are the individual, sir, who makes up his mind whether you want to take the advice of counsel, and hide behind the shield of your constitutional rights, which I do not challenge, or else to follow your own good judgment of a clear conscience and merely and simply deny the charges and the allegations which have been made against you.

Between those two you choose to follow the advice of counsel?

Mr. WADLEIGH. I follow advice of counsel.

Mr. HÉBERT. That is tantamount to what you would have us believe is a clear conscience and innocence of any charges made against you?

Mr. WADLEIGH. Is that your inference?

Mr. HÉBERT. How is that?

Mr. WADLEIGH. Is that your inference?

Mr. HÉBERT. That certainly is what I accept it to be.

Mr. WADLEIGH. Thank you.

Mr. HÉBERT. Because if I was in your position, sir, I would be most eager to deny everything flatly. I would be most eager to clear myself, not only from the public mind—

Mr. RANKIN. If you are able to.

Mr. HÉBERT. That is what I mean, if I was able to. Because you must keep in mind, and every other witness must keep it in mind, that nothing has been proved against you except the statement of another individual. It is your word against his word, and you are just as rightful to deny what he has said, but always keeping in mind that if you deny and it is later proved that you were lying, then you are subject to perjury. So I can only draw one inference.

Now, is this the first time that you have stood on those constitutional rights in discussing these matter or in answering the questions which have been directed to you by this committee?

Mr. WADLEIGH. Sir, the only previous occasion that I have had the opportunity to choose whether or not to stand on that right was in my testimony to the grand jury yesterday.

Mr. HÉBERT. Let me interrupt. I am not trying to probe into the grand jury.

Mr. WADLEIGH. And therefore—if I may finish—I believe it would be inappropriate for me to answer that question.

Mr. HÉBERT. No; don't do that. Did you ever discuss these matters with the Federal Bureau of Investigation?

Mr. WADLEIGH. I was interrogated by the Bureau.

Mr. HÉBERT. Did you tell them that you wouldn't answer the questions we have now propounded to you?

Mr. WADLEIGH. Well—

Mr. HÉBERT. Now, that is not a secret. I don't want to know about the grand jury, but I want to know about the FBI. What did you tell them?

Mr. WADLEIGH. I was informed by the FBI that the statements that I made to them were not to be divulged. At least that was my understanding.

Mr. HÉBERT. Well, I will tell you now that they can be divulged. There is no law which says you can't tell us what you told the FBI. Now, what did you tell the FBI? You have another chance.

Mr. WADLEIGH. Well, I would be glad to tell you what I told the FBI if I have the consent of the FBI, or after consulting counsel.

May I have the opportunity to consult counsel before I make that decision?

Mr. HÉBERT. Well, you have no more counsel. You just mutually ended that agreement.

Mr. WADLEIGH. I will have to find another one.

Mr. HÉBERT. You have to find another counsel.

Mr. WADLEIGH. That is right.

Mr. HÉBERT. Now, in that connection you went to a Mr. Greenberg, I understand.

Mr. WADLEIGH. That's right.

Mr. HÉBERT. Had you known Mr. Greenberg before you went to him?

Mr. WADLEIGH. No, sir.

Mr. HÉBERT. Who recommended you to Mr. Greenberg?

Mr. WADLEIGH. Mr. Joseph Nellis.

Mr. HÉBERT. Mr. whom?

Mr. WADLEIGH. Mr. Joseph Nellis.

Mr. HÉBERT. N-e-l-l-i-s?

Mr. WADLEIGH. That's right.

Mr. HÉBERT. Who is Mr. Joseph Nellis?

Mr. WADLEIGH. He is a lawyer in Washington whom I know personally.

Mr. HÉBERT. How long had you known Mr. Nellis?

Mr. WADLEIGH. For a couple of years.

Mr. HÉBERT. And when did you go to Mr. Nellis?

Mr. WADLEIGH. When I received a subpoena from the committee—I mean, from the grand jury.

Mr. HÉBERT. Mr. Nellis could have advised you to stand on your constitutional rights, couldn't he? He is a lawyer. I am sure he is as good a lawyer as Mr. Greenberg; he knows the law.

Mr. WADLEIGH. Mr. Nellis told me that Mr. Greenberg was the right man for me.

Mr. HÉBERT. Did he tell you why he was the right man?

Mr. WADLEIGH. I presume he did it for professional reasons.

Mr. HÉBERT. Did he tell you that Mr. Greenberg's firm had represented Gerhart Eisler and other well known Communists, and is quite expert in representing Communists? Did he tell you that?

Mr. WADLEIGH. He told me that Mr. Greenberg has represented persons appearing before this committee.

Mr. HÉBERT. Didn't it seem strange to you that Mr. Nellis would send you to a firm whose reputation is well known for representing Communists?

Mr. WADLEIGH. I did not know, sir, that the political views of a person represented by an attorney are in any way to be attributed to the attorney who represents him.

Mr. HÉBERT. You are getting into a nice field now, Mr. Wadleigh, and you have opened the door.

Mr. WADLEIGH. I assumed——

Mr. HÉBERT. You opened the door. You made the statement now that you didn't think a person's political views had anything to do with his professional rating, and I certainly agree with you.

Mr. WADLEIGH. No, sir; I did not say that.

Mr. HÉBERT. Well, what did you say? Say it again.

Mr. WADLEIGH. I said that the views of the lawyer and the views of the client are not necessarily identical, and in this case it is my understanding that they are very definitely not identical, in the Eisler case that you referred to.

Mr. HÉBERT. You used the expression which is a well known Communist line.

Mr. WADLEIGH. I didn't know that, sir.

Mr. HÉBERT. Well, you want to withdraw that, then, don't you; I mean as to political views?

Mr. WADLEIGH. Well, I don't know what expression you are referring to.

Mr. HÉBERT. I am referring to your expression of political views as nobody else's business, in other words, to paraphrase what you said.

Mr. WADLEIGH. That is pure Americanism, sir.

Mr. HÉBERT. I am not disputing what it is; I merely said that expression was a typical Communist answer up until these recent hearings. Now they stand on their constitutional rights. Before they refused to answer the question, and when they found out they could be cited for contempt and convicted of it, they changed their tune.

Mr. WADLEIGH. All I am saying is that it was my understanding that Mr. Greenberg—and it is still my understanding and my conviction—that Mr. Greenberg's views are not identical with those of certain persons whom he has represented.

Mr. HÉBERT. That is what I am trying to point out; that the same procedure is the well-known line of communism. You deny that you are a Communist?

Mr. WADLEIGH. Yes, sir.

Mr. HÉBERT. You never have been a Communist?

Mr. WADLEIGH. That is correct.

Mr. HÉBERT. Have you ever learned the Communist theory of government—I shouldn't ask you that; I am getting along political lines now.

Mr. WADLEIGH. Am I required to go into a political catechism?

Mr. HÉBERT. I don't want to discuss it with you, because I am afraid we would never get together.

Now, let me understand about the advice of counsel, refusing to answer on constitutional grounds.

You went to see Mr. Greenberg before you appeared before the grand jury in New York, I presume?

Mr. WADLEIGH. That is correct.

Mr. HÉBERT. Was that before you talked with the FBI?

Mr. WADLEIGH. No.

Mr. HÉBERT. And, of course, it was not before you appeared before this committee?

Mr. WADLEIGH. Correct. Wait a minute. What was that question?

Mr. HÉBERT. It was before you appeared before this committee?

Mr. WADLEIGH. Yes; I saw them this morning before I appeared before the committee.

Mr. HÉBERT. So now we have a conflict of advice—I am leaving the grand jury out—he advised you not to talk to this committee and to stand on your constitutional rights, but did not advise you to talk to the FBI; is that correct?

Mr. WADLEIGH. I had already spoken to the FBI.

Mr. HÉBERT. You just a minute ago said you saw counsel before you saw any of the three agencies.

Mr. MUNDT. No; you misunderstood.

Mr. WADLEIGH. You misunderstood me, sir.

Mr. HÉBERT. All right. I want the record to show it correctly.

Mr. WADLEIGH. I went to counsel after I received the subpoena from the grand jury. I had previously spoken to the FBI.

Mr. HÉBERT. Now, when did the FBI talk to you?

Mr. WADLEIGH. December 6.

Mr. HÉBERT. Was that the first time the FBI talked to you?

Mr. WADLEIGH. Yes, sir.

Mr. HÉBERT. You had never been in contact with the FBI before December 6, 1948?

Mr. WADLEIGH. No, sir.

Mr. HÉBERT. You didn't know any agents of the FBI before December 6?

Mr. WADLEIGH. No, sir.

Mr. HÉBERT. And had never been in contact with them?

Mr. WADLEIGH. No, sir.

Mr. HÉBERT. And then you were under no compunctions of advice of counsel when you first went to the FBI?

Mr. WADLEIGH. That is correct.

Mr. HÉBERT. And you freely discussed the matter with them; is that correct?

Mr. WADLEIGH. I would like to have advice of counsel before I say anything here about my discussions with the FBI.

Mr. HÉBERT. Now, Mr. Wadleigh, just again for the sake of the record, to put you on record and to give you another opportunity to clear your own skirts, have you at any time engaged in anything which would smack of espionage against the United States Government?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. HÉBERT. You refuse to make a flat denial that you are innocent of that charge, and you have the opportunity now?

Mr. WADLEIGH. I refuse to answer the question on the ground that the answer might incriminate me.

Mr. HÉBERT. That is all.

Mr. MUNDT. Mr. Vail.

Mr. VAIL. Mr. Wadleigh, during the period of your employment with the State Department, were you aware of any instance in which another employee of the Department delivered documents belonging to the State Department to any outside person?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. VAIL. No further questions.

Mr. MUNDT. Mr. Wadleigh, the Chair would like to ask a question or two.

Have you ever seen or met Miss Elizabeth Bentley?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. MUNDT. I think you will understand, Mr. Wadleigh, that you have been charged with very serious crimes involving disloyalty to your country. You are one of three men now under suspicion, as the result of sworn testimony taken under oath, and an accumulation of circumstantial evidence. We have brought you before the committee in an effort to give you an opportunity to deny those charges, if you are innocent, and in an effort to establish proof of your involvement if you are guilty.

It seems to me that as a young man with average intelligence, you must realize you have contributed nothing this morning which would refute the charges against you, or which would tend to establish your innocence, if you are innocent of the charges made, and of the evidence which has been given.

I dislike to see any injury brought to anyone who is innocent, certainly, so I want to give you another and final chance, following the analysis which I have made of the situation now confronting the country.

I ask you once more this question :

Have you ever turned over to unauthorized persons any governmental documents which have been temporarily in your custody?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. MUNDT. May I ask you whether there is any further statement you care to make before this committee?

Mr. WADLEIGH. No, sir.

Mr. MUNDT. Mr. McDowell has another question.

Mr. McDOWELL. You testified, Mr. Wadleigh, that you are not a member of the Communist Party. I don't believe the question has been asked: Have you ever received any money, or any other valuable thing, for giving restricted information or documents to anyone?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. McDOWELL. Do you know where Keonig Street, Baltimore, is?

Mr. WADLEIGH. No, sir.

Mr. McDOWELL. Mr. Wadleigh, are you married?

Mr. WADLEIGH. Yes, sir.

Mr. McDOWELL. Do you have a family?

Mr. WADLEIGH. Yes, sir.

Mr. McDOWELL. That is all.

Mr. MUNDT. Mr. Rankin.

Mr. RANKIN. I have one or two questions.

Where were you on December 7, 1941?

Mr. WADLEIGH. I presume I was at work in the State Department. That was my regular place of business at the time.

Mr. RANKIN. You were still on the Federal pay rolls?

Mr. WADLEIGH. Yes.

Mr. McDOWELL. That was on a Sunday.

Mr. WADLEIGH. Was it a Sunday? That's right. Well, I was at home.

Mr. RANKIN. Don't you remember where you were that day?

Mr. WADLEIGH. Yes; I remember, now; I was at home.

Mr. RANKIN. You were on the Federal pay roll at that time?

Mr. WADLEIGH. Yes, sir.

Mr. RANKIN. Are you aware of the fact that secret documents slipped out and supplied indirectly to the Japanese, contributed to the destruction of our Navy and the murder of more than 3,000 of our heroic men at Pearl Harbor?

Mr. WADLEIGH. I believe I read something about that in the newspapers.

Mr. RANKIN. I wondered how you found it out. Mr. Wadleigh, at that time were you giving out any secret documents?

Mr. WADLEIGH. I refuse to answer that question on the ground that the answer might incriminate me.

Mr. RANKIN. Now, then, in other words, you are between two fires right now—one of them is treason and the other is perjury. If you admitted you did give these documents out at that time, you would be guilty of treason. If you did not give them out, your answer is "No"—a very simple answer—and the only thing that could come to you by answering "No" would be conviction of perjury, if it was shown that you were giving out these documents at that time.

Mr. WADLEIGH. May I ask the committee this question: If that matter is considered germane to the Hiss-Chambers investigation, then my answer remains that I refuse to answer on the grounds that the answer might incriminate me.

Mr. RANKIN. It is germane.

Mr. WADLEIGH. If it is not germane to it, then perhaps I might change my testimony.

Mr. RANKIN. It is germane, and you better be glad that you are before a committee of Congress and not before a court martial.

Mr. WADLEIGH. I am under the grand jury; I am still under subpoena to the grand jury.

Mr. RANKIN. If you were before a court martial, you would answer whether or not you were giving out these secret documents at that time and perpetrating treason against your country.

Mr. WADLEIGH. I still ask: Is that germane to the Hiss-Chambers investigation?

Mr. RANKIN. Yes; it is germane.

Mr. WADLEIGH. If it is germane, then my answer stands. If it is not germane, I am prepared to change my answer to that one.

Mr. MUNDT. Any other questions?

Mr. NIXON. Yes; I would like to follow that. Your answer to the question, then, is that you did not, in 1941, give out any secret documents to any group unconnected with the Hiss-Chambers controversy?

Mr. WADLEIGH. I stand by my previous testimony, sir, that if the committee rules that that matter is germane, I will persist in refusing to answer the question. If the committee rules that the answer is not germane, I will reconsider it.

Mr. MUNDT. No question about its germaneness, because it strikes right at the core of what we are trying to determine: Who was it who filched the documents from the State Department and delivered them to Whittaker Chambers? It involves precisely those documents. It is precisely germane.

Mr. RANKIN. And later to our enemies during the war.

Mr. MUNDT. There being no further questions, the committee will stand adjourned, and the witness will be continued under our subpoena.

Mr. Russell, do we have another witness?

That will be all for you for the moment, Mr. Wadleigh.

Will counsel call the next witness?

Mr. RUSSELL. Mr. Owens.

Before Mr. Wadleigh leaves, Mr. Chairman, do you desire that he be retained under subpoena?

Mr. MUNDT. Yes.

Mr. WADLEIGH. May I point out that I am still under subpoena by the grand jury?

Mr. MUNDT. You are now under two subpoenas?

Mr. WADLEIGH. That is right.

Mr. MUNDT. Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. OWENS. I do.

Mr. MUNDT. You may be seated.

TESTIMONY OF COURTNEY E. OWENS

Mr. RUSSELL. Will you state your full name, Mr. Owens?

Mr. OWENS. Courtney E. Owens.

Mr. RUSSELL. Mr. Owens, you are attached to the committee staff as an investigator, are you not?

Mr. OWENS. That is right.

Mr. RUSSELL. Mr. Owens, did you serve a subpoena upon Mr. Wadleigh this morning?

Mr. OWENS. I did.

Mr. RUSSELL. Where was that subpoena served?

Mr. OWENS. The within-named individual served in the offices of Herman Greenberg, Joseph Forer, and David Rein, attorneys at law, 1105 K Street NW., Washington, D. C., at 11 a. m. of this date.

Mr. RUSSELL. Did you have a conversation with Mr. Wadleigh last night regarding his appearance before the committee?

Mr. OWENS. I did.

Mr. RUSSELL. That conversation occurred after you had endeavored to locate him all day yesterday, did it not?

Mr. OWENS. That's right.

Mr. RUSSELL. What did Mr. Wadleigh tell you last night?

Mr. OWENS. Mr. Wadleigh reached me by phone last night about 11:30. We had endeavored to reach him at his home in Vienna, and his wife had no knowledge of his whereabouts. Mr. Wadleigh called me and said that he had been in New York all day, and that he had been testifying before the grand jury. I told him that we had been searching for him, that the committee desired testimony from him, and he said that he would be glad to come down here tomorrow. Well, I said, "I would like to serve you, and where can I meet you tomorrow morning, at your office?" He said, "No," that he would rather meet me at our offices.

He told me that he had an appointment to see counsel at 9:30 this morning, and would come immediately to these offices from counsel's offices. That was what the gist of the conversation was last night.

Mr. RUSSELL. In other words, when he talked with you last night he gave you the impression that it was his counsel with whom he intended to confer in the morning?

Mr. OWENS. Exactly.

Mr. RUSSELL. That is this morning?

Mr. OWENS. That's right.

Mr. RUSSELL. This morning did Mr. Wadleigh get in touch with you regarding his whereabouts?

Mr. OWENS. No; he didn't. I began to get a little concerned, and then made further attempts to locate Mr. Wadleigh at about 10:45 when he hadn't shown or hadn't called.

Mr. RUSSELL. Did you locate Mr. Wadleigh?

Mr. OWENS. Yes; I did. I located him in the offices that I read off a minute ago.

Mr. RUSSELL. What time was that?

Mr. OWENS. I reached him about 11, within 10 minutes of 11 o'clock, between 11 and 11:10. I left these offices and proceeded to those offices, 1105 K Street.

Mr. RUSSELL. That is all.

Mr. MUNDT. That is all for the witness.

The committee will meet in executive session at 3:30 this afternoon. (Whereupon, at 1:50 p. m., the committee adjourned.)

HEARINGS REGARDING COMMUNIST ESPIONAGE IN THE UNITED STATES GOVERNMENT—PART TWO

FRIDAY, DECEMBER 10, 1948

UNITED STATES HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

The subcommittee met, pursuant to call, at 11:30 a. m., in the Caucus Room, Old House Office Building, Hon. Karl E. Mundt (acting chairman) presiding.

Committee members present: Representatives Karl E. Mundt (presiding), John McDowell, Richard M. Nixon, Richard B. Vail, John E. Rankin, and F. Edward Hébert.

Staff members present: Robert E. Stripling, chief investigator; Louis J. Russel and William A. Wheeler, investigators; and A. S. Poore, editor.

Mr. MUNDT. The committee will come to order, please.

The record will show that after being in executive session the motion was made we go into open session and was carried unanimously; also that the following members of the committee are present in addition to the chairman: Mr. McDowell, Mr. Nixon, Mr. Vail, Mr. Rankin, and Mr. Hébert.

The committee had before it in executive session, briefly, Mr. Nathan Levine, and Mr. Stripling will please call Mr. Levine to the stand and let him proceed with his testimony in open session.

Mr. STRIPLING. Mr. Levine, will you please take the witness chair.

Mr. MUNDT. Mr. Levine, I will ask you to stand and be sworn again.

Do you solemnly swear the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEVINE. I do.

Mr. MUNDT. You may be seated.

TESTIMONY OF NATHAN L. LEVINE

Mr. STRIPLING. Mr. Levine, will you please state your full name?

Mr. LEVINE. Nathan L. Levine.

Mr. STRIPLING. And your present address?

Mr. LEVINE. 960 Sterling Place, Brooklyn, N. Y.

Mr. STRIPLING. What is your profession?

Mr. LEVINE. I am an attorney at law.

Mr. STRIPLING. How long have you been an attorney?

Mr. LEVINE. Since 1933.

Mr. STRIPLING. Where do you practice law?

Mr. LEVINE. 152 West Forty-second Street, Manhattan.

Mr. STRIPLING. When and where were you born?

Mr. LEVINE. January 18, 1911, Brooklyn, N. Y.

Mr. STRIPLING. Are you acquainted with an individual by the name of Whittaker Chambers?

Mr. LEVINE. Yes.

Mr. STRIPLING. How long have you known Mr. Chambers?

Mr. LEVINE. Approximately 15 years; since just before he was married to my aunt.

Mr. HÉBERT. Do you mean you have known him 15 years or did you know him 15 years before that?

Mr. LEVINE. All told, 15 years.

Mr. STRIPLING. Mr. Levine, you are here in response to a subpoena served upon you by C. E. McKillips; is that correct?

Mr. LEVINE. I am.

Mr. STRIPLING. Did Mr. Whittaker Chambers ever give a package to you to hide for him or to keep for him?

Mr. LEVINE. He gave me an envelope to put away for him some 10 years ago.

Mr. STRIPLING. Will you explain to the committee the circumstances under which Mr. Chambers gave you this envelope.

Mr. LEVINE. At that time he had been in morbid fear of being liquidated by the Communists. He had indicated to me at times that because he was no longer with the Communists that they were going to either assassinate him or hurt him or members of his family. He and his wife and his two children—I think the second one was already born—had been around the country going from place to place and we did not know where they were about that time.

On one or two occasions I accompanied him to an appointment that he had, in which he was afraid that the appointment was a plant, and I went along for whatever advantage I could be or whatever protection I could be.

On the occasion of his giving me the package, he asked me to put it away for him and that if anything happened to him I was to give it to Esther, his wife. In the conversation we also asked—and when I say “we” I mean myself—I asked what would happen in the event both he and Esther were liquidated, and he said, “You would know what to do with it, you are an attorney.”

Mr. STRIPLING. When he gave you this package was it sealed?

Mr. LEVINE. Yes.

Mr. STRIPLING. Were you familiar with the contents?

Mr. LEVINE. No.

Mr. STRIPLING. But he indicated to you that if you opened it you would know what to do with it; was that an impression that you got from him?

Mr. LEVINE. Yes.

Mr. STRIPLING. Did he say anything about turning it over to the authorities or to the police?

Mr. LEVINE. No. That is my own assumption.

Mr. STRIPLING. But he did tell you you would know what to do with it?

Mr. LEVINE. That is right.

Mr. RANKIN. Give the size of the package, please.

Mr. LEVINE. Approximately 7 inches wide and about 11 or 12 inches long, and approximately an inch to an inch and a half in thickness.

Mr. MUNDT. Did it contain those articles Mr. Stripling is showing you?

Mr. STRIPLING. Here is certain microfilm we have obtained by subpoena, Mr. Levine, and ask you if it would have been possible for the three tin cylinders and the two rolls of film to have been in the envelope which he gave you?

Mr. LEVINE. It was possible.

Mr. STRIPLING. In other words, the envelope was large enough for these to have been placed inside?

Mr. LEVINE. And bulky or curved.

Mr. STRIPLING. It was very bulky?

Mr. LEVINE. Yes.

Mr. STRIPLING. What did you do with the package after Mr. Chambers gave it to you—

Mr. Chairman, I have interrogated the witness regarding the details of this matter, and it will be necessary for him to give the address where this package was placed and where it was deposited for the 10-year period. We have gone into it very thoroughly and the members of the staff of the committee are convinced up to this point, at least, that the persons who reside at this address are not involved or implicated in any way in this matter, and for that reason I ask that the committee take under consideration the deleting from the record or keeping out of the record the exact address of the place where this package was concealed.

Mr. Levine will be glad to give the committee the address. The proper authorities have the address. But I think no good purpose could be served at this time, under the circumstances which he has explained to me, to bring out the address.

Mr. LEVINE. Mr. Chairman, I think I am willing to give the address to avoid any so-called mystery about this, and I wish the press would only be a little considerate about it.

Mr. MUNDT. I think the press will be if you will explain the reason why.

Mr. LEVINE. It is the address of my mother, and about 2 years ago we almost lost her. She has a heart condition and she is quite concerned about this. She does not know the actual hiding or putting place, but she knows it is in her house, and her children are making every effort to avoid her heartaches or trouble.

Mr. MUNDT. I believe at the time you hid the films in the house you were living there?

Mr. LEVINE. Yes; and at that time I was single.

Mr. McDOWELL. It is your hope the press will not swarm or overwhelm your mother.

Mr. LEVINE. I hope so, sir.

Mr. STRIPLING. You want to put the address in the record?

Mr. LEVINE. Yes, sir.

Mr. STRIPLING. Go ahead and give the committee all of the circumstances and details of what you did with this package after you received it from Whittaker Chambers.

Mr. LEVINE. I took this package and put it on top of the old dumb-waiter shaft which had been converted on the second and first floors into a linen closet. The address is 260 Rochester Avenue, Brooklyn, N. Y., and is the home of my folks. At that time I resided with them, and at that time they occupied both the first and second floors.

The house is so constructed, or was so constructed, that there was an old dumb-waiter shaft from the top of the house to the cellar. On the second floor and on the first floor, some 15 years ago it had been converted into a linen closet for each apartment.

I put it on the top of the dumb-waiter shaft so that it reposed on the top of the linen closet on the second floor. Access to that particular spot was obtained through the bathroom window, which has an air shaft from the roof to the floor below, the first floor. It remained there for 10 years.

Mr. STRIPLING. Did you ever at any time during that period of 10 years check to see if it was still there?

Mr. LEVINE. No, I had forgotten about it.

Mr. STRIPLING. You put it there and it remained there?

Mr. LEVINE. That is right.

Mr. STRIPLING. Before you continue, Mr. Levine, I wish you would give the committee any information you have as to the manner in which this envelope was sealed.

Mr. LEVINE. It was a manila envelope and it was gummed. I believe there was a piece of gum placed over the flap. This gum piece is white with a red border. Also there were two prongs which fasten over and take the flap of the envelope. I believe it was either elastic or rubber band, or possibly cord that originally bound it.

Mr. STRIPLING. All right, sir. Now, you placed this envelope there 10 years ago?

Mr. LEVINE. That is right.

Mr. STRIPLING. Do you recall the date or time of year that you placed it there?

Mr. LEVINE. No, sir.

Mr. STRIPLING. Did Whittaker Chambers ever get in touch with you after you had placed it there, regarding the package?

Mr. LEVINE. About 3 weeks ago this past Sunday he was at my home. On that morning I had received a telegram from him, which telegram was telephoned by Western Union to my home. Previous to that, on either the Thursday or Friday prior thereto, he had telephoned me and stated that he wanted to see me and said that he would contact me on Sunday.

Mr. MUNDT. As far as you can recall, what were the contents of that telegram?

Mr. LEVINE. "Arriving 1 o'clock. Have my things ready," or words to that effect.

At the time that I received the telegram message over the telephone, my wife asked me what had occurred, or what the telephone call was, and I repeated the message to her, and she said to me, "What does he mean?" I said "I will be darned if I know. He probably has some books and pamphlets in the cellar of my mother's home, but in the 10-year period my nephew and his friends must have cleaned out that cellar on four or five occasions and probably threw away most of the stuff."

He still may have some books there or pamphlets which I have shown to the FBI.

At some time after 1 o'clock I received a telephone call from him telling me he had arrived and was coming down. He came to my home and we were just about finishing our lunch. We had other members of the family over. He came in and I invited him to have a cup of coffee and miscellaneous items of food.

Mr. STRIPLING. What address was it he came to on this Sunday?

Mr. LEVINE. 960 Sterling Place, Brooklyn.

Mr. MUNDT. That is your present home address?

Mr. LEVINE. Yes; where I reside with my wife and two children.

Mr. STRIPLING. I want to make it clear this was not at the same address where these papers had been deposited.

Mr. LEVINE. Since January of 1939 I have been married, and in January 1939 I lived at 486 Brooklyn Avenue and have lived at other addresses since.

Shall I proceed?

Mr. STRIPLING. Yes; proceed.

Mr. LEVINE. During that afternoon we conversed and he told me about the Federal court proceeding wherein Alger Hiss had sued him for \$75,000 damages in a slander and libel action, and that there were depositions then pending. He asked me various things pertaining to depositions and he then told me that one of the inquiries or interrogatories was whether he had anything in writing pertaining to the Hiss matter.

I told him that the books and pamphlets that he had around the house and junk were probably thrown out, that we still had some stuff in the cellar we didn't know whether it belonged to him or belonged to my brothers-in-law, or it might have even belonged to me.

During the conversation mention was made of a package that he had given to me some 10 years prior. I indicated to him that I had it over at mother's house, and during the time that he was there mother and dad and my brothers and sisters at times came in. The conversation I had with him, of course, was interrupted, and he told them about his appearances before this committee and various other details.

Mr. STRIPLING. What we want is all the facts which relate to this package.

Mr. LEVINE. A little after 4 we left. I told the members of the family that were present in my apartment that I was going to take him to the train. We left and I took him to 260 Rochester Avenue, Brooklyn, N. Y. We went into the house, and much to my surprise, my nephew was still there, and he had been in his hobby cellar.

Mr. STRIPLING. How old is your nephew?

Mr. LEVINE. Twelve and a half. I introduced him to his uncle Whitaker Chambers. He then went back into the cellar, and after I removed my coat, we went upstairs. I then went into the air shaft through the bathroom on the second floor and reached up and looked for this package. I got the package and gave it to him with the 10 years of dust on it. Part of the dust fell off into the bathtub, onto the bathroom floor, and all over, and my hands were filthy. I remember that we washed our hands.

Mr. STRIPLING. You handed him the package?

Mr. LEVINE. That is right. Then a little later he went into the kitchen and he apparently opened up the package. At that time I was in the bathroom cleaning up the mess in the bathtub and on the floor and on the sink. On one occasion I came into the kitchen and he was standing about the middle of the kitchen with some papers in his hands, and he uttered an exclamation to me which I don't remember the exact words—it was either "holy cow" or some exclamation, "I didn't think that this still existed," or "was still in existence."

About that time Donald, my nephew, called to me and I went to the hall. When I came back later, he asked me to obtain an envelope or what they call a folder, and I went downstairs and procured a folder and gave it to him.

I think I went back to the hall and then a little later we left.

Mr. STRIPLING. Where did you go when you left the house?

Mr. LEVINE. I started to take him to the subway station, but instead I took him to the Pennsylvania Railroad Station by car—in my car.

Mr. STRIPLING. What conversation, if any, ensued after you left the house?

Mr. LEVINE. Well, we talked about the Federal court matter, various details. He asked me questions about depositions, and I gave him some legal advice and I asked him if I could possibly help him in that Federal court case. I told him, though, that he would first have to speak to his attorney. He told me who his attorney was.

Mr. STRIPLING. You say the Federal court case. You are speaking now of the civil action?

Mr. LEVINE. That is right.

Mr. STRIPLING. Proceed.

Mr. LEVINE. He told me that Mr. Cleveland was his attorney, and I told him that he had better ask Mr. Cleveland before he could avail himself of my counsel, that Mr. Cleveland might not want me to come down from New York.

During the conversation we also spoke about the atmosphere in which his Federal court case was going to be tried. I told him that the public was probably forgetting about all this spy talk that had ensued during the summer and that if I were he, I would either get a good publicity man or I would write a series of articles waking up America to the situation that he was trying to accomplish, and that if he had a better atmosphere, chances are that the result he would obtain in the Federal court would be much better for him.

He also told me about Alger Hiss and his various connections.

Mr. STRIPLING. Had he ever told you prior to that time the details of his operations in the Communist Apparatus and underground?

Mr. LEVINE. No.

Mr. STRIPLING. He had never discussed those details with you?

Mr. LEVINE. No.

Mr. STRIPLING. Mr. Levine, are you now or have you ever been a member of the Communist Party?

Mr. LEVINE. I am not a Communist and I have never been a Communist, nor has any other member of my family been a Communist or is a Communist.

Mr. STRIPLING. You then took Mr. Chambers to the railroad station and let him out; is that correct? Did you leave him there?

Mr. LEVINE. He invited me in to dinner, I had dinner with him, in the Pennsylvania restaurant, and then we went out. He had a little time. We went back to my car and we talked, and I tried to give him some legal advice. He told me to wait until I heard from him.

Up until that time I didn't even know his farm address. I had never been to his home. Up until that time I had not seen him for 4 years and over a period of 10 years I might have seen him but four or five times.

When he came to my home, my wife had not seen him in the 10 years that we had been married, or approximately 10 years that we had been married. I introduced him to my son, who is going to be 8 in January, saying that that was his uncle. Up until recently, when I had noticed in the papers, I didn't know he had been a Quaker. I thought he had another religious faith.

I recall one incident approximately a little after the time he became associated with Time magazine. I had been with him and he told me that the reason he took a job with Time magazine was so that he should be in the public eye so that the Communists would not dare attempt to liquidate him. That was the reason he took a job of such importance.

Mr. STRIPLING. That is all the questions I have, Mr. Chairman.

Mr. MUNDT. The Chair would like to ask this question:

You have known Whittaker Chambers altogether, as I understand it, about 15 years or 10 years.

Mr. LEVINE. About 15 years. A little before he was married to my aunt.

Mr. MUNDT. During that interval did you know him by any other name than Whittaker Chambers? Did you ever communicate with you in any way under any alias or pseudonym?

Mr. LEVINE. No, sir. He was only known as Whittaker Chambers.

Mr. MUNDT. When he would sign a communication to you such as telegrams, he would sign Whittaker Chambers or Uncle Whittaker?

Mr. LEVINE. Just Whit. We rarely used the "uncle" part.

Mr. MUNDT. You mentioned earlier that on one or two occasions because of Mr. Chambers' dread fear of Communists, you accompanied him on appointments to places he felt might be a plant.

Mr. LEVINE. That is right.

Mr. MUNDT. Could you give us any insight into the nature of the appointments of that type?

Mr. LEVINE. I remember on one occasion when he visited a woman in connection with some free-lance translating work, that he apparently was doing for his livelihood. Before we went up there, he asked me to have dinner with him, and I had dinner with him some place in New York, and he then told me that he wanted me to accompany him to this particular place and that he was afraid that possibly some Communist had made the appointment as a plant and he was fearful of the results.

He asked me if I would go along with him and, of course, I said I would, and I think he once said, "Well, do you know how to scream," or some words to that effect. The place is either in the 100-and-some-odd street or in the Bronx in an apartment house. I went there and I sat nearby within hearing distance, and they talked about translating some manuscript. Apparently it was a perfectly legitimate set-up.

Mr. MUNDT. Knowing your uncle as you did, did he give you a pretty definite opinion, authentic opinion, that he actually was in fear of something?

Mr. LEVINE. There is no doubt about that.

Mr. MUNDT. No doubt about that?

Mr. LEVINE. No doubt about it.

Mr. MUNDT. And that continued for about how long, this feeling of fear on his part?

Mr. LEVINE. Well, I wouldn't be surprised if it continued to a little after the time he took the job with Time magazine and probably continued in reservation to date.

Mr. MUNDT. Were there any other appointments on which you accompanied him as a sort of protector or security officer?

Mr. LEVINE. There was another occasion, but I couldn't tell you the details.

Mr. MUNDT. It also turned out to be not a plant?

Mr. LEVINE. That is right. He met some man.

Mr. McDOWELL. Mr. Chairman, I think the committee should know regarding Mr. Levine some of the actions at the hearing in the Hotel Commodore in New York last Monday night when Mr. Levine's name was brought into this matter for the first time.

Mr. Chambers was asked various questions as to these matters that have been testified to here today. We were concerned about where this stuff had been kept over a period of years. He described when he had put the material into the pumpkin only a few hours before it was finally found. He then described that he had given this package to his nephew and he named Nathan Levine rather reluctantly.

When we questioned him about Nathan Levine, he promptly qualified Mr. Levine as knowing nothing at all about the contents of the package, about not being a Communist in any sense, of being, as he described it, a very fine and decent young lawyer in the city of New York.

Now, subsequent investigation by the members of the staff indicates that Mr. Chambers was telling the truth, that Mr. Levine is a normal patriotic and decent citizen and has no connection with this entire conspiracy. I think that should be made a part of the record.

Mr. MUNDT. I appreciate that, Mr. McDowell, and I think it is very important to make that statement.

Mr. McDOWELL. Also investigation develops that he has a reputation of being not only a lawyer, but a good lawyer.

Mr. LEVINE. Thank you.

Mr. MUNDT. The committee is simply trying to corroborate or disprove some of the previous testimony we have had concerning the location and transfer of this envelope of material, and up to now your testimony has corroborated the executive session testimony that we have had on that point by Mr. Chambers.

Mr. RANKIN. Mr. Levine, you say this material was hid on top of a dumb-waiter. Was that dumb-waiter in use during those years?

Mr. LEVINE. No. About 15 or 20 years ago the dumb-waiter shaft had been converted on the floor levels—the second floor and first floor—into linen closets.

Mr. RANKIN. So it was what you might call a dead dumb-waiter.

Mr. LEVINE. A dead dumb-waiter shaft. Just dumb.

Mr. RANKIN. That is all I care to ask.

Mr. NIXON. You indicated that you put this envelope in the shaft in the first instance approximately 10 years ago?

Mr. LEVINE. That is right.

Mr. NIXON. And you were the person who obtained it from the shaft 4 weeks ago this Sunday?

Mr. LEVINE. This coming Sunday.

Mr. NIXON. Yes.

Mr. LEVINE. That is right.

Mr. NIXON. Now in examining the envelope would you say—was there any question in your mind whatever that it might have been opened in that period?

Mr. LEVINE. It wasn't open and I think the condition of the envelope would indicate that it was there during the entire 10 years. I pointed out to the FBI and showed them the spot. They examined the spot.

I also say that you can examine the dust up there and the dust on the envelope and I can show you that it came from the same spot. Probably the condition of the envelope itself would show you that it had existed there for 10 years.

Mr. NIXON. The seal had not been broken?

Mr. LEVINE. The seal had not been broken. It had been inviolate and until that time Mr. Chambers didn't know it was there.

Mr. NIXON. Mr. Chambers during this 10-year period didn't know it was in that spot?

Mr. LEVINE. Of course not.

Mr. NIXON. You were the only person that knew it was in that spot?

Mr. LEVINE. Yes, sir.

Mr. NIXON. As far as you know, then, nobody during that period had access to that particular spot where the envelope was located or availed themselves of access to that spot?

Mr. LEVINE. That is right.

Mr. NIXON. I want to have the record clear on another point. When you learned of the contents of this envelope there, will you describe to the committee when you first learned it and what you did at that time?

Mr. LEVINE. This past Friday when the news exploded in the newspapers, I had occasion to see it in one of the New York papers.

Mr. MUNDT. By that you mean the news exploded involving your name?

Mr. LEVINE. No; exploded that there was some spy papers.

Mr. McDOWELL. In the pumpkin?

Mr. LEVINE. In the pumpkin or whatever it was. All I remember is there was news about spy papers, and I put two and two together. I telephoned the Federal attorney's office and I went down later to the Federal attorney's office on Friday.

I had seen the FBI men on Saturday and Sunday, and I have testified before the grand jury in part on Wednesday.

Mr. NIXON. Did the Department of Justice people talk with you Friday about this case?

Mr. LEVINE. In all fairness to them, I just asked whether they could see me.

Mr. NIXON. You gave them your name?

Mr. LEVINE. Oh, yes. Then after waiting a little while, a suggestion came from the Secretary that the party was very, very busy and

could I see them Monday or was it all right if I let it go until Monday, and I said, "All right, let it go until Monday," that I would get in touch with the office on Monday.

Saturday and Sunday I had the FBI men at my house and we had them also over at 260.

MR. NIXON. You heard from the Department of Justice again when, on Monday?

MR. LEVINE. They asked me to appear before the grand jury on Monday. I appeared without a subpoena and then I was served with a subpoena later during the day. I wasn't reached on Monday. I was subject to a telephone call every hour on Tuesday and on Wednesday morning I testified before the grand jury in part, and I understand I am still subject to call for continuance of my testimony.

MR. NIXON. Mr. Chairman, the witness has testified concerning the connection Mr. Chambers had with Time magazine. I think at this point in the record it might be well to read into the record the statement Mr. Chambers has just released in New York City severing his connection with Time magazine.

It reads as follows:

I have offered my resignation as a senior editor of Time magazine. It has been accepted. Both of these acts became imperative when I recently began to make revelations about Communist espionage. When Time hired me in 1939, its editors knew that I was an ex-Communist; they did not know that espionage was involved.

For 9 years I have been actively fighting communism. I believe I was helpful in alerting Time's editors years ago to the dangers of world-wide communism which have been confirmed by events and which are now generally, if not imperatively, understood in this country. In my own writing I have tried to give expression to human values which I know from my own experience communism denies and destroys. Now, after 9 years of work done in good conscience, I have been called up to expose the darkest and most dangerous side of communism—espionage. This can be done only if a man who knows the facts will stand up and tell them, without regard to the cost or consequences to himself. I cannot share this indispensable ordeal with anyone. Therefore, with a quiet and firm mind, I am withdrawing from among the colleagues with whom I worked for so many years and whose support has been loyal and generous.

The statement of the publisher of Time, Mr. Linen, upon receiving this statement today from Mr. Chambers, is as follows:

Time has accepted Mr. Chambers' resignation for the reasons he so well expressed.

In accepting his resignation now, Time does not wish to prejudge and is not prejudging his recent disclosures. Not until all the evidence is in can the pros and cons be weighed.

MR. RANKIN. Mr. Chairman, a point of order.

MR. NIXON (continuing reading):

Against the admitted disservice to his country of a decade ago, must be set the service we are convinced he is trying to perform for his country now.

I have a particular reason for bringing this in at this time.

MR. RANKIN. From the vicious and unwarranted attacks that Time magazine has made on me, I don't think a Communist on their editorial staff would embarrass them, and I just object to reading this defense of it into the record. I don't mind them reading the witness' testimony in here.

MR. MUNDT. Your objection is noted, but it comes after the fact. The reading has been concluded.

Mr. RANKIN. As far as I am concerned, all the perfumes in Arabia wouldn't sweeten Time magazine to me.

Mr. NIXON. Mr. Levine, Mr. Chambers could have avoided his present difficulty very easily by simply having you destroy these documents; could he not?

Mr. LEVINE. He could have destroyed them himself or the house could have gone on fire and destroyed them.

Mr. NIXON. There was never any suggestion at the time he saw these documents that they were to be destroyed?

Mr. LEVINE. No. There was no suggestion as to their contents.

Mr. NIXON. I might say also, Mr. Chairman, in that connection that this committee during its hearings during the past summer and also, as well exemplified by the witness that we heard yesterday, has heard witness after witness come before it, men who have been most critical of Mr. Chambers and who have when they have been questioned concerning their activities in the Communist underground plead self-incrimination.

I think that with the criticism which, of course, must be made of Mr. Chambers for the actions that he committed 10 years ago which were not in the best interests of this country, that in fairness to him we should recognize that this evidence which has the effect of bringing before the American people for the first time effectively the real essence of the Communist conspiracy and its real danger, is available only because this man was willing to risk a jail sentence, the loss of his position, and criticism of his family and of himself from now on.

Mr. LEVINE. Absolutely.

Mr. NIXON. I wish to also point out that Mr. Chambers came to the Committee on Un-American Activities 10 years after his activities with the Communist Party were severed. He testified, he answered questions, he answered all of them at that time that we propounded concerning the individuals who were before the committee; and, in presenting that information, he himself could have followed exactly the same line under the same Constitution that some of the Communists are availing themselves of at the present time and plead self-incrimination. As a result of that Mr. Chambers would still be a senior editor of Time magazine, his family would still be in a favorable position as far as he is concerned, and there would be no danger whatever to his life insofar as threats from the Communists or insofar as Government prosecution, which apparently is inevitable at the present time.

I am not making this statement for the purpose of making a defense of Mr. Chambers, but I think the record should show the factors which enter in at this time, and I for one wish to say that Mr. Chambers, apart from the disservice that was rendered to the country and a disservice which was rendered only because there were people in this Government who gave him the information that he was able to turn over to the Communists and which he couldn't have rendered without the cooperation of those people, that apart from that, that Mr. Chambers has willingly and voluntarily, with no necessity at all upon his part to do so, rendered a great service to the country by bringing these facts before the American people at this time.

That is all.

Mr. MUNDT. With that the Chair would like to add concerning the significance of the revelation of those documents the fact that in New York a day or two ago a representative of the Department of Justice in a rare moment of good will and generosity toward this committee, said publicly that at last they had been supplied with some documentary evidence to proceed with this case, and that documentary evidence came because and only because the investigators of this committee found those documents, procured them, made them available without subpoena to the Attorney General's office, and neither all the perfume in Arabia nor the slightly less aromatic odor of a red herring can erase that from the record.

Mr. HÉBERT. Mr. Levine, how well had you known your uncle, Whitaker Chambers, before he took you into his confidence to take that package to secrete for him?

Mr. LEVINE. Well, I knew him socially; I recall going to the gym with him, I had dinner occasionally with him.

For a short period of time, I think around 1936, 1937, he occupied the hall bedroom at 260 Rochester Avenue, which he occasionally came into, I think for a very short period of time, a period of a few months. That was the reason we were left with his books and junk.

Mr. HÉBERT. He lived at your home?

Mr. LEVINE. He occupied the hall bedroom and had access from the hall. His wife was my aunt.

Mr. HÉBERT. Did she go away with him when he went away or did she remain there?

Mr. LEVINE. He lived there alone.

Mr. HÉBERT. Where did she live?

Mr. LEVINE. Throughout the country, addresses I couldn't even tell you.

Mr. HÉBERT. What business was he in?

Mr. LEVINE. I did not know, other than I remember something about the word "accounting" or he was translating books.

Mr. HÉBERT. He was a writer?

Mr. LEVINE. He was either a writer or translator. He translated for other writers.

Mr. HÉBERT. Did you ever know whether he lived in Washington over any period of time?

Mr. LEVINE. No, sir.

Mr. HÉBERT. You did not know that?

Mr. LEVINE. No, sir.

Mr. HÉBERT. Did you ever hear him mention the name of George Crosley?

Mr. LEVINE. No, sir.

Mr. HÉBERT. Did you ever hear him mention the name of Alger Hiss or Donald Hiss at that time?

Mr. LEVINE. No sir.

Mr. HÉBERT. Except for the fact that you assumed that he was a translator of books or a writer in a fashion, that was the only occupation you knew he had?

Mr. LEVINE. Other than the word possibly "accounting" or "accountant."

Mr. HÉBERT. Did he ever expound his communistic theories of government to you or discuss any political form of government with you?

Mr. LEVINE. No, sir.

Mr. HÉBERT. You had no indication at all to indicate to you that he was a member of the Communist Party or a Communist functionary?

Mr. LEVINE. That is right.

Mr. HÉBERT. What reaction did you have when he finally told you he was a Communist and had broken away and was in danger of his life? Did you discuss that with him?

Mr. LEVINE. I guess a sort of protective one. He was a relative.

Mr. HÉBERT. Was it a surprise to you?

Mr. LEVINE. Well, it was certainly a surprise.

Mr. HÉBERT. Did you ask him how he had become a Communist and why he had broken?

Mr. LEVINE. No; I don't think we went into that. He was older than myself, and I apparently must have listened rather than asked questions at that time.

Mr. HÉBERT. How old are you?

Mr. LEVINE. I am now 37.

Mr. HÉBERT. He is 10 years older than you?

Mr. LEVINE. Yes.

Mr. HÉBERT. He is 47 or 48. There was nothing that occurred in your mind to discuss this matter with him other than for him to hand the package to you and for you to secrete it?

Mr. LEVINE. I didn't secrete it. I put it away.

Mr. HÉBERT. If you crawled up a shaft to hide something in the dumb-waiter shaft, you certainly secreted it. That is not a customary place to store articles, is it?

Mr. LEVINE. No, sir.

Mr. HÉBERT. You secreted it.

Mr. LEVINE. I put it away so the prying hands of children wouldn't get it.

Mr. HÉBERT. Did you put anything else up there so that the prying hands of children couldn't get at it?

Mr. LEVINE. No; that is the only time.

Mr. HÉBERT. You did secrete it.

Mr. Chairman, I want to comment and again reiterate my position. I believe Mr. Chambers has done a splendid service to this country. At the opening of these hearings I made the remark that the only way you could find criminals and have a successful police department was through the use of stool pigeons.

I do want to comment, however, and bring out the fact that Mr. Chambers did not tell this committee the entire facts in the case when he was brought before us the first time; and if it had not been for Mr. Alger Hiss filing a suit against Mr. Chambers which forced Mr. Chambers to produce evidence to protect himself in a slander suit, we probably would not have gotten as much as we now have.

I don't want to commend Mr. Hiss for bringing a libel suit. I say that in an objective fashion in order to keep the record straight.

I appreciate what Mr. Chambers has done, and I don't appreciate the fact that he may be used as the goat of the situation, and all these expressions of gratitude to Mr. Chambers and condemnation of others should not allow this committee to lose sight of the fact that the man, men, woman, or women in the State Department who stole those documents have not been apprehended by the proper agency of this Government after 10 years. That is the important thing. Chambers and

Hiss are incidents to me. I want the real criminals and I want the people who are supposed to know how to do their business to get them and stop issuing statements in criticism of a committee which is trying to do its job.

Mr. MUNDT. In that connection, I wonder if you would not agree with the Chair. You make a very important point. Had it not been for the existence of this committee and the functioning of this committee in open hearing, Mr. Alger Hiss would never have brought suit against Mr. Whittaker Chambers, so the documents would never have been brought into existence up until this very moment.

Mr. HÉBERT. If it had not been for the existence of this committee, this country would not have been alerted against the danger of Communists and communism. It has been a tough fight against almost insurmountable odds.

Mr. RANKIN. Since the rest of you have expressed your views, I would like to say this: I am not yet convinced that Mr. Chambers was not a Communist during the time he was on the staff of Time magazine. I cannot join in any exuberant commendation of a man who knew all during the war, according to his own testimony, that this man Wadleigh, who had been passing out, according to his statement, secret documents from the State Department, was still in that position and probably carrying on the same conduct while our boys were dying by the thousands on every battle front in the world, and many of them perhaps as a result of this treachery; and knowing also at the time that this man Hiss, who he says was also perpetrating this treason, was still in the State Department—all that throws many question marks with me, but there is one thing that is definitely certain.

With all the nagging we have had from the present Attorney General, this committee has done a great work and if it had not been for this committee, this conspiracy would never have been uncovered. If we did not have the ocular proof, I would still have grave doubts, but we have these microfilms, copies of the documents that were stolen from the State Department at that time, and nobody has ever been able to explain those documents or those microfilms away.

In other words, in the words of William C. Brandt, the great iconoclast, "You can't explain a dead cat out of the family cistern." They have never been able to explain those documents away, and if we had listened to the carping criticism of Tom Clark, the Attorney General, we would never have got our hands on them.

Mr. STRIPLING. I have no further questions, Mr. Chairman.

Mr. MUNDT. Mr. Vail.

Mr. VAIL. Mr. Levine, during the 10-year period during which you had possession of the envelope, did you ever have a feeling of curiosity as to its contents?

Mr. LEVINE. I had forgotten about it.

Mr. VAIL. You married subsequently. You never had any occasion to discuss the envelope with your wife?

Mr. LEVINE. No, sir; except recently, if you mean that.

Mr. VAIL. No; I meant prior to that. When the Hiss-Chambers case broke and this committee was holding hearings on that case, didn't your memory revert back to the time when Mr. Chambers had delivered the documents to you?

Mr. LEVINE. No, sir.

Mr. VAIL. In other words, you never gave it another thought until it was brought to your attention by Mr. Chambers again?

Mr. LEVINE. That is right.

Mr. VAIL. But you did remember at that time the place it was?

Mr. LEVINE. Not immediately, but by the time we got to 260 Rochester Avenue.

Mr. VAIL. If you had recalled it, it would be natural for you to remove the envelope?

Mr. LEVINE. Certainly.

Mr. VAIL. But you had completely forgotten its existence?

Mr. LEVINE. That is right.

Mr. VAIL. And it was recalled to your memory——

Mr. LEVINE. Besides, I didn't know the contents of it.

Mr. VAIL. At the time that it was opened in your home——

Mr. LEVINE (interposing). My mother's home.

Mr. VAIL. In your mother's home, did you have an opportunity to view the contents at that time?

Mr. LEVINE. No; outside of this instance where he was holding some papers in the kitchen and I came in. Outside of that instance, I didn't have any opportunity; and besides, even if I saw what it was, I still wouldn't know what it was except writing.

Mr. VAIL. You didn't have an opportunity then to look closely enough to see the film?

Mr. LEVINE. That is right.

Mr. VAIL. On those occasions when you accompanied Mr. Chambers to these suspected plants, you went along as his body guard?

Mr. LEVINE. I guess you would call it that.

Mr. VAIL. Were you armed?

Mr. LEVINE. Oh, no.

Mr. VAIL. No further questions.

Mr. LEVINE. Except I am 6 feet 1.

Mr. RANKIN. When he opened these documents there, you said in the kitchen, did you suspect the significance of them at all?

Mr. LEVINE. He opened them, and I was in the bathroom. At the time he opened the envelope in the kitchen, I was in the bathroom.

Mr. RANKIN. I understand.

Mr. LEVINE. And then a little later when I did come in, I still didn't know what they were and I didn't know what they were until this past Friday when this thing exploded in the newspapers.

Mr. RANKIN. Did you suspect the significance of them at that time?

Mr. LEVINE. Of course not. If I did, I would have burned them, probably.

Mr. RANKIN. Well, to say the least, we are uncovering some of the most flagrant treason that has ever been committed in the history of this country.

Mr. MUNDT. Anything further? If not, thank you, Mr. Levine. The committee will go into executive session in the committee room at this time.

(Whereupon, at 12:30 p. m., the open session was concluded.)

HEARINGS REGARDING ESPIONAGE IN THE UNITED STATES GOVERNMENT

TUESDAY, DECEMBER 14, 1948

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON
UN-AMERICAN ACTIVITIES,
Washington, D. C.

The subcommittee met, pursuant to notice, at 11 a. m., in room 226, Old House Office Building, Hon. Karl E. Mundt presiding.

Committee members present: Representatives Karl E. Mundt, John McDowell, Richard M. Nixon, John E. Rankin, and F. Edward Hébert.

Staff members present: Robert E. Stripling, chief investigator; Louis J. Russell, Donald T. Appell, investigators; and A. S. Poore, editor.

Mr. MUNDT. The committee will come to order.

The committee has been hearing in executive session a series of preliminary questions propounded to Mrs. Bachrach, and by motion of the committee, passed unanimously, we have decided to go into open session at this time. I will ask Mrs. Bachrach to stand and be sworn under the usual procedure.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. BACHRACH. I do.

Mr. BLOCH. If the Chairman please, could I assume that my notice of appearance has been duly noted and that it is not necessary to repeat it?

Mr. MUNDT. We will get to that in a moment.

TESTIMONY OF MARION BACHRACH

Mr. STRIPLING. Mrs. Bachrach, will you please state your full name and present address.

Mrs. BACHRACH. Marion Bachrach, 242 West Eleventh Street, New York City.

Mr. STRIPLING. What is your present occupation?

Mrs. BACHRACH. I am a writer.

Mr. STRIPLING. Where are you employed?

Mrs. BACHRACH. In the national office of the Communist Party.

Mr. STRIPLING. How long have been employed there?

Mrs. BACHRACH. To the best of my recollection, approximately 3 years.

Mr. STRIPLING. Would you give the committee a résumé of your professional background for the last 15 years?

Mrs. BACHRACH. On advice of counsel and involving my rights both under the first amendment and the fifth amendment, I refuse to answer that question. Under the first amendment I consider it an invasion of my rights to privacy of association and political views. I wish to make in open session the statement I have already made in closed session, concerning my understanding of the fifth amendment, and that is that it was designed not to shield the guilty, but to protect the innocent against possible self-incrimination, and I therefore exercise my right against possible self-incrimination in refusing to answer that question.

Mr. MUNDT. The Chair would like to say at this point, as he did in the closed session, that he believes the lady has expressed the genesis of the fifth amendment correctly, but unfortunately a great many guilty have been using it to shield the guilty as well as to protect the innocent.

Mr. RANKIN. She admits she represents an organization that is dedicated to the overthrow of this Government.

Mr. MUNDT. That is right.

Mr. STRIPLING. Mrs. Bachrach, are you here in response to a subpoena?

Mrs. BACHRACH. Yes.

Mr. STRIPLING. Are you accompanied by counsel?

Mrs. BACHRACH. I am.

Mr. STRIPLING. Counsel, would you identify yourself again for the record?

Mr. BLOCH. My name is Emanuel H. Bloch. I am an attorney with offices at 270 Broadway, New York City.

Mr. STRIPLING. Is this your first appearance before this committee?

Mr. BLOCH. It is not.

Mr. STRIPLING. Did you represent Mr. Steve Nelson when he was before the committee?

Mr. BLOCH. I did.

Mr. MUNDT. Who is Mr. Steve Nelson?

Mr. STRIPLING. Would you identify Mr. Steve Nelson for us?

Mr. BLOCH. Before I answer that, how long ago was that?

Mr. STRIPLING. Several months ago. He is a Communist Party official.

Mr. RANKIN. Let me ask this, Mr. Stripling. Did you say he was a Communist Party official?

Mr. STRIPLING. He is a Communist Party official. He was called before the committee in connection with the espionage investigation regarding the theft of atomic secrets.

He declined to answer the questions.

Mr. RANKIN. He admitted he was a representative of the Communist Party?

Mr. STRIPLING. He still is. I believe Mr. McDowell can explain it further.

Mr. McDOWELL. He is the head of the Communist Party in western Pennsylvania, eastern Ohio, and northern West Virginia. He now lives in Harmarville, Pa. I believe he served the Communist Party for a number of years as a sort of secretary of labor. He is an expert on so-called foreign groups and is currently working to keep the Tito Communists from jumping the line here as they did abroad.

Mr. BLOCH. I assume that I don't have to answer the question. Now I have no knowledge of some of the things Congressman McDowell says, except that Steve Nelson, to my knowledge—and he so testified here—was, and I believe still is, a functionary of the Communist Party operating in or about the Pittsburgh area.

Mr. MUNDT. That is the Steve Nelson you represented?

Mr. BLOCH. Yes; a few months ago he was subpoenaed to appear before this committee and before a subcommittee consisting of Congressman Thomas, Congressman McDowell, and Congressman Vail, and the hearing was conducted in this very room. I don't recollect the precise date.

Mr. RANKIN. Are you a Communist?

Mr. BLOCH. I would like to respond to Congressman Rankin's question.

Mr. RANKIN. Just answer the question. That is all.

Mr. BLOCH. I am going to answer it. This question by Congressman—

Mr. MUNDT. The record should show before you answer it that the lawyer has not been sworn.

Mr. RANKIN. I ask that he be sworn, Mr. Chairman.

Mr. MUNDT. He is not a witness.

Mr. RANKIN. He is going to make an awful lot of testimony here.

Mr. BLOCH. I haven't offered any testimony yet. You asked a question, and I am perfectly willing to reply to you if you will give me a chance.

Mr. RANKIN. Unless he is willing to answer under oath, I withdraw the question.

Mr. MUNDT. The question is withdrawn. Proceed, Mr. Stripling.

Mr. NIXON. I have one question.

Was Mr. Nelson the man that was alleged to have been involved in the "Scientist X" case?

Mr. STRIPLING. That is right.

Mr. McDOWELL. Nelson, by the way, is a native of Croatia.

Mr. BLOCH. I would like to say, if I may—

Mr. MUNDT. Unless you want to be sworn, you are not to testify.

Mr. BLOCH. I am making a request of the chairman.

Have I that privilege?

Mr. MUNDT. You may.

Mr. RANKIN. I object.

Mr. BLOCH. I don't want any implications of statements here to redound against me or my professional integrity or my rights as an American citizen, and I resent the implication. I am here in accordance with an honored tradition of the law.

Mr. STRIPLING. For several months the Committee on Un-American Activities has had under investigation the operations of alleged underground apparatus of the Communist Party which existed in the Government here in Washington from 1934 through 1938 that we know of.

The questions which will be directed to you this morning have to do with determining the facts regarding that apparatus. If you decline to answer the questions on constitutional grounds, I wish you would so state. If you do not have the information of your own knowledge, we would like for you to state and not to give a blanket answer. Is that understood?

Mrs. BACHRACH. That is understood.

Mr. HÉBERT. Mr. Chairman, I again call attention to the fact that the plea of the protection of the first amendment is not valid, the courts have so held. The only validity of a plea is that it may degrade or incriminate her and that is the only stand she can have without being in contempt of the committee.

Mrs. BACHRACH. May I make a statement on it?

Mr. HÉBERT. There is no statement to be made. That is an instruction.

Mr. MUNDT. Proceed, Mr. Stripling.

Mr. STRIPLING. When and where were you born?

Mrs. BACHRACH. I was born in Chicago, Ill.

Mr. STRIPLING. What year?

Mrs. BACHRACH. 1898.

Mr. STRIPLING. Where were your parents born?

Mrs. BACHRACH. They were both born in Illinois.

Mr. STRIPLING. Have you ever resided in Washington, D. C.?

Mrs. BACHRACH. I decline to answer the question, invoking again my right under the first amendment in which I still believe that validity resides, and also on the ground that it is within my right under the fifth amendment and that my answer might possibly incriminate me.

Mr. STRIPLING. Do you know William Z. Foster?

Mr. MUNDT. The Chair insists that if you invoke your rights under the fifth amendment, which is the only one valid under this committee, that you spell out the reasons for invoking the fifth amendment.

Mrs. BACHRACH. On the grounds that the answer might tend to incriminate me.

Mr. STRIPLING. Do you know William Z. Foster?

Mrs. BACHRACH. I again decline to answer on the ground that this is an invasion of my rights under the first amendment, privacy of association, and on the further ground that under the fifth amendment the answer might tend to incriminate me.

Mr. STRIPLING. Do you know William Green?

Mrs. BACHRACH. I decline to answer on the same grounds.

Mr. STRIPLING. Do you know Mayor O'Dwyer?

Mr. MUNDT. I am sorry, you will have to spell it out.

Mrs. BACHRACH. On the grounds that this is again within my rights under the first amendment to refuse to reveal my associations and on the further ground under the fifth amendment that an answer might tend to incriminate me.

Mr. STRIPLING. Do you know Mayor O'Dwyer?

Mrs. BACHRACH. I do not.

Mr. STRIPLING. Do you know Senator Downey?

Mrs. BACHRACH. I do not.

Mr. STRIPLING. Do you know former Representative John M. Coffey of the State of Washington?

Mrs. BACHRACH. I do.

Mr. STRIPLING. Do you know former Representative Hugh De Lacy of the State of Washington?

Mrs. BACHRACH. I again decline to answer, exercising my rights under the first amendment and also on the ground that the answer might tend to incriminate me and that I therefore have a right to refuse to answer under the fifth amendment.

Mr. STRIPLING. Do you know Governor Dewey?

Mrs. BACHRACH. I do not.

Mr. STRIPLING. Do you know Alger Hiss?

Mrs. BACHRACH. I again invoke my right under the first amendment and decline to answer on the ground that an answer might tend to incriminate me.

Mr. RANKIN. Ask her if she knows former Congressman Savage of Washington.

Mr. STRIPLING. Do you know former Congressman Savage of Washington?

Mrs. BACHRACH. I do not.

Mr. STRIPLING. Do you know Priscilla Hiss, the wife of Alger Hiss?

Mrs. BACHRACH. I again decline to answer on the ground that the question is an invasion of my rights under the first amendment and also I exercise my right under the fifth amendment to refuse to give an answer which might tend to incriminate me.

Mr. STRIPLING. I want you to bear in mind in answering the questions which I am about to ask you the instructions of the committee that if you don't have any knowledge, you state so, but not a blanket answer.

Mrs. BACHRACH. I understand.

Mr. STRIPLING. Have you ever been in the home of Priscilla Hiss in Washington, D. C.?

Mrs. BACHRACH. I decline to answer on the ground that the question is an invasion of my right under the first amendment and on the further ground that I choose to exercise my right under the fifth amendment and refuse to give an answer which might tend to incriminate me.

Mr. STRIPLING. Did you ever copy any documents from the Department of State?

Mrs. BACHRACH. I did not.

Mr. RANKIN. I want to call attention to the fact that the first amendment has nothing whatever to do——

Mr. MUNDT. She has been so advised, but if she wants to reaffirm it, she may.

Mr. RANKIN. The first amendment has nothing whatever to do with the right of a witness to decline to answer testimony during a legitimate inquiry.

Mr. MUNDT. She has been so advised and if she refuses to repeat it, she has that privilege.

Mr. STRIPLING. I will repeat the question. Did you ever copy any documents removed from the Department of State?

Mrs. BACHRACH. I did not.

Mr. STRIPLING. Did you ever copy any documents removed from the Bureau of Standards?

Mrs. BACHRACH. I did not.

Mr. STRIPLING. Did you ever copy any documents removed from the Navy Department?

Mrs. BACHRACH. I did not.

Mr. STRIPLING. Did you ever loan Mrs. Priscilla Hiss a typewriter?

Mrs. BACHRACH. I did not.

Mr. STRIPLING. Did you ever see a typewriter in the home of Mrs. Priscilla Hiss?

Mrs. BACHIRACH. I decline to answer on the ground that this is an invasion of my right under first amendment and on the further ground that an answer might tend to incriminate me, invoking my right under the fifth amendment.

Mr. STRIPLING. Do you know Donald Hiss?

Mrs. BACHIRACH. I decline to answer on the ground that the question is an invasion of my rights under the first amendment and on the further ground that it is my right so to do, to decline under the fifth amendment because an answer might tend to incriminate me.

Mr. STRIPLING. Do you know Lee Pressman?

Mrs. BACHIRACH. I decline to answer on the ground that this is also an invasion of my right under the first amendment, on the ground that it is my right to decline under the fifth amendment because the answer might tend to incriminate me.

Mr. STRIPLING. I shall ask the witness, Mr. Chairman, if she knows a list of individuals. If it is agreeable with the witness and with the committee, if she replies, "Same answer" it will be understood that she is giving the same grounds that she has just stated in answer as to whether or not she knows the individuals just mentioned.

Mr. MUNDT. Is that agreeable?

Mr. NIXON. I have one question before you go into that list of names.

Did Mrs. Alger Hiss ever deliver to you a typewriter?

Mrs. BACHIRACH. She did not.

Mr. MUNDT. I would like to ask the witness another question. Are you now or have you ever been a member of the Communist Party?

Mrs. BACHIRACH. I decline to answer on the ground that this is a direct invasion of my right under the first amendment on the ground further that I have the right so to decline under the fifth amendment because an answer might tend to incriminate me.

Mr. MUNDT. Go ahead, Mr. Stripling.

Mr. STRIPLING. Do you know John Abt?

Mrs. BACHIRACH. I do.

Mr. STRIPLING. Do you know Nathan Witt?

Mrs. BACHIRACH. I decline to answer on the ground previously stated.

Mr. STRIPLING. Do you know Henry Collins?

Mrs. BACHIRACH. I decline to answer on the grounds previously stated.

Mr. STRIPLING. Do you know Charles Kramer or Charles Krevitsky, known under both names?

Mrs. BACHIRACH. I decline to answer on the grounds previously stated.

Mr. STRIPLING. Do you know Nathan Gregory Silvermaster?

Mrs. BACHIRACH. I decline to answer on the grounds previously stated.

Mr. STRIPLING. Do you know William Ludwig Ullmann?

Mrs. BACHIRACH. I decline to answer on the grounds previously stated.

Mr. STRIPLING. Do you know George Silverman?

Mrs. BACHIRACH. I do not.

Mr. STRIPLING. Do you know Irving Kaplan?

Mrs. BACHIRACH. I decline to answer on the grounds previously stated.

Mr. STRIPLING. Do you know Victor Perlo?

Mrs. BACHRACH. I decline to answer on the grounds previously stated.

Mr. STRIPLING. Do you know Elizabeth T. Bentley?

Mrs. BACHRACH. I do not.

Mr. STRIPLING. Do you know, or did you know Jacob N. Golos?

Mrs. BACHRACH. I do not.

Mr. STRIPLING. Do you know Eleanor Nelson?

Mrs. BACHRACH. I decline to answer on the grounds previously stated.

Mr. STRIPLING. Do you know Harold Ware?

Mrs. BACHRACH. I decline to answer on the grounds previously stated.

Mr. MUNDT. Do you know Louis Budenz?

Mrs. BACHRACH. I decline to answer on the grounds previously stated.

Mr. RANKIN. Mr. Chairman, one of the reasons given for refusing to answer questions is that this is not a legal committee of Congress. I want to call the attention of the committee to the fact that the Communists raised that question and harped on it in the Dennis trial, and especially charged that I was not a legitimate Member of Congress.

The Federal Court of Appeals answered it in no uncertain terms, stating that the contention was silly and ridiculous; that this was a legitimate committee of Congress and that I, John Rankin, from Mississippi, was a legal Member of the Congress of the United States.

This committee is the only committee in Congress that has been determined to be legal by the courts and I am the only Member of Congress declared legally a Member of Congress.

Mr. MUNDT. Proceed, Mr. Stripling.

Mr. STRIPLING. I have no further questions.

Mr. MUNDT. Did you ever discuss with Mrs. Hiss in any way the disposition of a typewriter?

Mrs. BACHRACH. I did not.

Mr. MUNDT. Why is it that you tell the committee that you know John Abt and refuse to answer on the grounds of self-incrimination the question of whether you know Nathan Gregory Silvermaster?

Mrs. BACHRACH. My understanding of the fifth amendment is that it reserves to the person under examination the right to determine for herself what questions might tend to be incriminating.

Mr. MUNDT. Only on the basis that those questions must legitimately be such that an answer would be self-incriminating, not just a willy-nilly decision to be made by the witness.

Mrs. BACHRACH. My further understanding of my rights under the fifth amendment is that the disclosure of reasons for willingness to answer some questions and refusal to answer others is tantamount to disclosing the ground which might be self-incriminating.

Mr. STRIPLING. Are you related to John Abt?

Mr. RANKIN. I want to point out that that has been harped on time and time again and I want to call the committee's attention to the fact that that provision of the fifth amendment merely applies to a person answering for a capital offense or other infamous crime. So unless it would incriminate her or stamp her as guilty of an infamous crime, she has no right to refuse to answer these questions that are propounded by the committee—by members of the committee or by the investigator.

Mr. MUNDT. The chairman would like to state that the crime involved here is very definitely a capital crime. It is either treason in wartime or treason in peacetime.

Mr. RANKIN. What they are trying to shield here is treason because these documents were stolen during the war. That was brought out the other day. They were stolen after the fall of Pearl Harbor, some of them, and transmitted to foreign countries: so the point I want to bring out here is that this was treason and we have the documents to show that this crime was committed.

Mr. MUNDT. Mr. Stripling, have you further questions?

Mr. STRIPLING. Yes.

Mr. BLOCH. May I ask a question?

Mr. STRIPLING. I want to clear this up.

Are you related to John Abt?

Mrs. BACHRACH. I am.

Mr. STRIPLING. Would you give the committee your relationship?

Mrs. BACHRACH. I am his sister.

Mr. STRIPLING. That is all.

Mr. McDOWELL. Do you know Vera M. Dean?

Mrs. BACHRACH. No.

Mr. STRIPLING. I have one other question.

Mr. MUNDT. Proceed.

Mr. STRIPLING. Have you ever been to the Soviet Union?

Mrs. BACHRACH. I have not.

Mr. MUNDT. Do you have any questions, Mr. Nixon?

Mr. NIXON. No questions.

Mr. MUNDT. Mr. McDowell?

Mr. McDOWELL. No questions.

Mr. MUNDT. Mr. Rankin?

Mr. RANKIN. No questions.

Mr. MUNDT. Mr. Hébert?

Mr. HEBERT. No questions.

Mr. BLOCH. Mr. Chairman—

Mr. MUNDT. Mrs. Bachrach, you are dismissed for the time being and will be continued under subpoena, and the committee will go into executive session at this time.

Mr. BLOCH. Before you conclude, may I ask a question?

Mr. MUNDT. Not at the moment. We will go into executive session at this time.

Mrs. BACHRACH. Mr. Chairman, I would like permission to read a statement at this time.

Mr. MUNDT. Not at the moment. You are still under subpoena. We will go into executive session.

Mr. BLOCH. Are we excused for the day?

Mr. MUNDT. For the day; yes.

Mrs. BACHRACH. Does this mean I can return to New York?

Mr. MUNDT. You may.

Mr. RANKIN. Or Russia.

Mr. BLOCH. Until further subpoena?

Mr. MUNDT. Until further summons.

Mr. BLOCH. Until further summons.

Mr. MUNDT. The committee will adjourn.

(Whereupon, at 11:25 a. m., the committee was recessed to reconvene in executive session.)

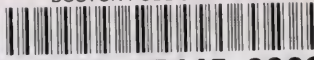
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